

done what Republican imperialists had shrunk from doing: He had supported with drastic economic sanctions the dangerous and shadowy shibboleth of the Open Door and in his conversations with Japan he had pushed his insistence on a maximum program to the point of an explosion into a frightful two-front war. Anti-imperialists, Democrats and Republicans alike, could readily discern in the memorandum the substance of old imperialism in a new garb of phraseology. Republicans and Democrats who had supported President Hoover in his refusal to travel Henry L. Stimson's road to war in 1931 and 1932 would have been less than human and logical if they had not inferred that Secretary Hull's final manifesto to Japan represented comprehensive designs of power politics which had no support in the antiwar pledges of President Roosevelt and the Democratic party during the campaign of 1940 or in the official explications of his policies and intentions during the previous months of 1941.

Moreover, it required no profound knowledge of Japanese history, institutions, and psychology to warrant two other conclusions respecting the memorandum of November 26, 1941. First, that no Japanese Cabinet, "liberal" or "reactionary," could have accepted the provisions of the memorandum as a basis of negotiating a settlement without incurring the risk of immediate overthrow, if nothing worse. Second, that every high official in the State Department, especially in the division concerned with Far Eastern affairs, must have been aware, while the memorandum was being framed, that the Japanese Government would not accept it as a program for renewed conversations "looking toward the maintenance of peace in the Pacific." Nor was it to be supposed that President Roosevelt and Secretary Hull were so unfamiliar with Japanese affairs as to imagine, on November 26, 1941, that Tokyo would accept the terms of the memorandum or that the delivery of the document to Japan would prove to be otherwise than a prelude to war.

ment at all could see immediately the pertinence of two leading questions that bore on the coming of the war: Had the Roosevelt Administration actually become entangled in a desperate armed conflict in efforts to enforce the sweeping program of the memorandum for a quick and drastic reordering of affairs in the Orient? 10 If not, what other considerations and expectations did President Roosevelt and Secretary Hull then have in mind?

Notwithstanding its limited nature, the Report of the President's Commission on Pearl Harbor, released January 24, 1942, had a distinct relation to the conduct of foreign affairs as illustrated by the delivery of Secretary Hull's memorandum, November 26, and raised queries about the extent to which President Roosevelt and his high officials were really astonished by the "surprise offensive" undertaken by Japan on December 7. The Roberts Report declared that the American outpost commanders had been duly warned of coming war as early as November 27, the day after Secretary Hull had delivered his memorandum to the Japanese representatives, and that an additional war warning had been sent out by General Marshall at least two hours before the Japanese attack on Pearl Harbor.

Thus the Report clearly implied that President Roosevelt and Secretary Hull were so certain of a Japanese refusal to accept the proposals of the memorandum that, without waiting for the Japanese reply, they authorized a war warning to the American outpost commanders the next day after the document had been handed to the Japanese representatives. This very implication connoted an inquiry: Were President

10. The "settlement" of affairs in Manchuria, China, Hongkong, Indo-China, and elsewhere in the Far East after World War II did not exactly conform to the proposals made to Japan by President Roosevelt and Secretary Hull in the memorandum of November 26, 1941. President Roosevelt's action in conceding to Russia, at the expense of China, a favored position in Manchuria, akin to the position from which Japan was ousted by arms, certainly presented a strange contrast to the grand principles incorporated in the memorandum. If the realization of these principles was in fact the primary purpose for which war was waged, in the

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Roosevelt and Secretary Hull fairly sure that a Japanese attack might come anytime after November 27? If so, how could they have been really surprised by the attack when it came on December 7?

Three days after the release of the Roberts Report, the British Prime Minister, Winston Churchill, made a speech in the House of Commons, January 27, 1942, which brought in question the official thesis on how war came for the United States. About four months previously President Roosevelt had declared with reference to the Atlantic Conference of August, 1941, that he had entered into no new commitments there and that as a result of the proceedings the United States was no closer to war.¹¹ But Mr. Churchill on January 27, 1942, gave a different version of certain transactions at the Atlantic meeting. He spoke of the difficulties Great Britain confronted in dealing singlehanded with Japanese movements in the Far East and added that, since the Atlantic Conference, some of the fears had been relieved. To quote his exact words:

On the other hand, the probability, since the Atlantic Conference, at which I discussed these matters with Mr. Roosevelt, that the United States, even if not herself attacked, would come into a war in the Far East, and thus make final victory sure, seemed to allay some of these anxieties. That expectation has not been falsified by the events. It fortified our British decision to use our limited resources on the actual fighting fronts. As time went on, one had greater assurance that if Japan ran amok in the Pacific, we should not fight alone. It must also be remembered that over the whole of the Pacific scene brooded the great power of the United States Fleet, concentrated at Hawaii. It seemed very unlikely that Japan would attempt the distant invasion of the Malay Peninsula, the assault upon Singapore, and the attack upon the Dutch East Indies, while leaving behind them in their rear this great American fleet.¹²

Mr. Churchill's address of January 27, 1942, made plain three points that had previously been obscure or unknown.

n. See above, p. 121.

First, the issue of war with Japan had been seriously discussed at the Atlantic Conference. Second, from his conversations with President Roosevelt, the Prime Minister had derived the conclusion that there was a probability that the United States would come into a war in the Far East, even if not herself attacked. Third, as time went on, as negotiations with Japan proceeded, Mr. Churchill had grown more assured that if Japan “ran amok” the British would not have to fight the war alone. So strongly was Mr. Churchill convinced on these points that he felt justified in the decision to use the limited British resources on the actual fighting fronts, thus relying heavily on the “probability” that the United States, “even if not attacked,” would come into the war in the Far East. To say the least, this was a revealing commentary on the realities of the Atlantic Conference and the official explanations of the “surprise” attack.

In a flush of triumph over Americans guilty of “smugness” and “ignorance,” especially the “isolationists,” who had opposed sending American boys to fight in foreign wars and treated as binding President Roosevelt’s pledges to that effect in 1940, Davis and Lindley, in *How War Came*,¹³ unwittingly contributed to popular skepticism respecting the official thesis on war origins. In this volume they gave the American people in the summer of 1942 startling “inside” information on the conduct of foreign affairs prior to December 7, 1941, which did not square with official pronouncements to the public between the Atlantic Conference and Pearl Harbor; nor with interpretations expounded by President Roosevelt on December 8, 9, and 15, 1941. If they had been trained in the niceties of diplomatic formulations for public consumption, Davis and Lindley might have been more cautious in their revelations. But their enthusiasm for war exceeded their ministerial discretion and in several passages on war origins they disclosed some grim realities behind the appearances created by Presi-

13. See chapter 8, 227. Undersecretary Walter A. G. Fisher, the German agent

dent Roosevelt for the education of the people between August 1 and December 15, 1941. These passages may be summarized as follows:

At the Atlantic Conference, "The crisis in the Far East claimed first attention, resulting . . . in Churchill's agreement to the President's policy of *delaying hostilities* 14 without invoking a 'dead line' " (p. 267).

Premier Churchill wanted to meet the Japanese issue head on, but President Roosevelt said: "Leave that to me. I think I can baby them along for three months" (p. 10).

President Roosevelt was not without hope that something more than a temporary respite might be achieved by negotiations with Japan (p. 10).

The English people hoped that Churchill would be able at the Atlantic Conference to get the United States into the war and were less concerned with the Atlantic Charter than with war (p. 275).

"For the first time in their century and a half of separate existence the United States and Great Britain had been joined in a written alliance"—at the Atlantic Conference (p. 270).

President Roosevelt and Premier Churchill avoided the blunder of Woodrow Wilson who "did not understand—power politics and economics," and put too much trust in a league of nations; "Roosevelt and Churchill realistically assumed the burden of disarming the aggressors after this war and of themselves policing the peace 15 until such time as a genuine association of self-governing nations might be established" (p. 273).

The question perplexing many high officials [at Washington, late in November] was how, in the absence of a direct Japanese attack on the American flag, to summon the nation, divided as it then was on questions of foreign policy, to the strong action which they believed essential. . . . In planning how best to protect American interests, officials were hampered by political dissen-

14. Italics supplied.

15. "Policing the world" was the phrase actually used by President Roosevelt at

sions within the nation. It was commonly supposed that the Japanese were too smart to solve this problem for the President by a direct assault on the American flag—especially at Hawaii, which even the extreme isolationists recognized as a bastion of our security (p. 315).

Having revealed, with startling directness, many of the hidden transactions of the months preceding Pearl Harbor, Davis and Lindley took up another phase of the official thesis—the business of responsibility for that catastrophe. In stead of lending support to the conclusions of the President's Commission on Pearl Harbor, published in the previous January, they took another tack. Like the Roberts Commission, they completely exculpated the President and Secretary Hull. Yet, as if aware that more was needed for the occasion, they asked the question: "Why were the Japanese able to perpetrate so immense and crushing a surprise?" Instead of answering the question they dismissed it curtly: "The answers, being largely subjective,¹⁶ will be endlessly debated."¹⁷

But what of the Conclusions reached by the President's Pearl Harbor Commission on this subject? For citizens who believed in the integrity of the Roosevelt Administration, the fact-finding capacity of the commission, and in the justice of the treatment meted out to General Short and Admiral Kimmel by President Roosevelt, Secretary Stimson, and Secretary Knox earlier in the year, the Roberts Report had provided sufficient answers, not subjective speculations as to responsibility for Pearl Harbor. Now, in the summer of 1942, such citizens confronted a destructive blast from Davis and Lindley, semi official spokesmen of the Administration: "There are, of course, all the surface reasons [for the Pearl Harbor disaster] set forth in the Roberts report (p. 316)." So, after all, the

16. How "largely"? In a sense all questions and answers are "subjective," for intellectual operations take place in the mind, not outside of it. This, however, is a highly technical matter in historiography. See *Introduction d la philosophie de l'histoire*, by R. Aron; especially sections "Esprit objectif et realite collective"; "La Connaissance historique"; "La Comprehension des faits"; "Les limites de

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appearances, not the real reasons, for Pearl Harbor and what it signified were to be found in the Roberts Report.¹⁸

About five months after the Davis and Lindley explanation of how war came was published and advertised as “a report to the American people,” the Department of State, as if also recognizing the right of the people to be informed in matters of foreign relations, released to the press and the public, January 2, 1943, an official precis on *Peace and War: United States Foreign Policy, 1931-1941*.TM In most respects this document conformed to the expectations of students who were acquainted with the nature and functions of white, blue, orange, and red books; but in some respects it illuminated the conversations “looking toward the maintenance of peace in the Pacific,” to which President Roosevelt had referred in his war message of December 8, 1941.

After the Japanese representatives, Ambassador Nomura and Special Agent Mr. Kurusu, had read the memorandum of November 26, 1941, in Secretary Hull’s office, according to the account in *Peace and War*, Air. Kurusu “said that when this proposal of the United States was reported to the Japanese Government, that Government would be likely to ‘throw up its hands’; that this response to the Japanese proposal could be interpreted as tantamount to the end of the negotiations.” In other words, the Japanese agent regarded the American memorandum as a kind of ultimatum.²⁰ This much at least Secretary Hull knew on November 26.

It is true that the precis reported on conversations of the President and the Secretary of State with the Japanese agents after November 27, but simply represented them as coming to nought.

Immediately after the State Department’s report on the conversation with the Japanese representatives,
November

18. Davis and Lindley place the blame for the disaster on the ignorance and smugness of the American people, particularly the isolationist opponents of

26, as given in *Peace and War*, came a statement of the highest historical significance for the amplification of the President's war message of December 8, and also for the question of responsibility for Pearl Harbor. The statement was headed "Japan May Move Suddenly" and read as follows: "On November 25 and on November 28 [1941], at meetings of high officials of this Government, Secretary Hull emphasized the critical nature of the relations of this country with Japan. He stated that there was *practically no possibility of an agreement being achieved with Japan; that in his opinion the Japanese were likely to break out at any time with new acts of conquest by force; and that the matter of safeguarding our national security was in the hands of the Army and the Navy.* The Secretary expressed his judgment that any plans for our military defense should include an assumption that the Japanese might make the element of surprise a central point in their strategy and also might attack at various points simultaneously with a view to demoralizing efforts of defense and of coordination for purposes thereof." 21

Under the same heading, the State Department's account in *Peace and War* added: "On November 29, 1941,

Secretary Hull conferred with the British Ambassador. The Secretary said that 'the diplomatic part of our relations with Japan was virtually over and that the matter will now go to the officials of the Army and Navy.'

The Secretary also warned the British Ambassador that it would be a serious mistake for this country and other countries interested in the Pacific situation to make counterplans without reckoning with the possibility of surprise attacks by the Japanese over considerable areas.²² In a subsequent conversation with the Japanese representatives in

Washington, on December 1, 1941, Secretary Hull told them that he had not heard one whisper of peace from

Japanese military leaders, "only bluster and bloodcurdling threats"; that "this Government had no idea of trying to bluff Japan and that he saw no occasion

for Japan to try to bluff

us; he emphasized that 'there is a limit beyond which we can not go.' " At a later conference with the Japanese representatives, on December 5, Secretary Hull was informed by Mr. Kurusu "that if an agreement could be reached on temporary measures, we could proceed with the exploration of fundamental solutions; that what was needed immediately was a temporary expedient." To this statement Secretary Hull responded briefly in closing the discussion: "The Secretary said that we could solve matters without delay if the Japanese Government would renounce its policy of force and aggression. He added that we were not looking for trouble but that at the same time 'we were not running away from menaces.' "23

In thus making his own case for history, Secretary Hull, in 1943, seemed out of line with President Roosevelt's version of how war came as a "surprise offensive," while the United States was engaged in conversation with Japan looking toward the maintenance of peace in the Pacific. If diplomatic negotiations were virtually over several days before Pearl Harbor, and the matter of safeguarding national security was in the hands of the Army and Navy, was the United States actually "at peace" with Japan during the days immediately preceding December 7 and carrying on conversations looking to the maintenance of peace? If Secretary Hull had informed high officials on November 25 that the Japanese might break out at any time, how could the attacks of December 7 have constituted the surprise to which President Roosevelt had referred on December 8 in his war message to Congress?

On July 1, 1943, the State Department cast some more light on how war came, in a portly volume bearing the same title as its precis of January 2 and purporting to present "a record of policies and acts" by which the United States sought to promote conditions of peace and world order and to meet the dangers resulting from Japanese, German, and Italian aggressions. In Chapter I of this work, called "The Fateful Decade," the State

yelt and Secretary Hull had “early” broken with the line of nonintervention in European and Asiatic wars and had chosen a course away from neutrality, that is, in the direction of war, if not to war.²⁴ This announcement from the State Department in July, 1943, gave warrant for asking the question: Just when in their communications to the American public did President Roosevelt and Secretary Hull openly declare that their commitments to the policy of neutrality and peace in 1940 and previous years had been discarded and the new policy—a different policy—substituted? At all events, before the year 1943 closed, official explanations of affairs during “the fateful decade” had begun to disclose realities that deviated from the appearances as described in the official thesis on how war came to the United States.

24. So, at least, I interpret the English used by the authors of this chapter, which, owing to its prolixity and obscurity, is difficult to translate into the English

CHAPTER X

The Official Thesis Challenged in Congress and the

MEMBERS of Congress, under the Constitution,¹ inescapable duties to perform in connection with charges filed against the Hawaiian commanders by the Civil Administration, with legislation governing the armed forces, and with making investigations into the enforcement of statutes by the Executive.² For the loyal discharge of these duties Representatives and Senators were accountable to the American people, for whom they spoke, by whom they were periodically subjected to scrutiny at elections. Among the constant duties of Congress was that of passing upon measures relative to the organization and management of the Army and Navy, through the agency of its committees on military and naval affairs and in searching discussions of such measures on the floors of the House and the Senate.

In the discharge of their duties members of Congress acquired information about war origins and the disaster at Pearl Harbor other than that furnished to them by the White House, the State Department, and semiofficial spokesmen of the Administration. Representatives and Senators who served as members of committees on military and naval affairs had opportunities to question military and naval officers behind

i. As a reminder to those who might overlook the constitutional obligations of Congress, the following provisions of that document bearing on the armed forces, war, and international law deserve attention. The Constitution vests in Congress, not the President, the power to lay and collect taxes, to appropriate money to pay all the costs of the government, to regulate commerce with foreign nations, to define and punish . . . offenses against the law of nations, to declare war . . . and make rules concerning captures on land and water, to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years, to provide and maintain a navy, to make rules for the government of the land and naval forces.

2. The investigation of the Executive branches of the government by standing and special committees had been undertaken early in the history of Congress as a

closed doors and to speak with them confidentially about the state of affairs and the ordering of armed forces prior to and on the day of Pearl Harbor. As the months of 1942 and 1943 passed, the amount of information on responsibility for the catastrophe gathered by members of Congress was steadily augmented in volume and portent.

Shortly after the Japanese attack on December 7, many members of Congress were convinced that when the time came for a thorough investigation of Pearl Harbor, the inquiry should be made by an independent committee created by act of legislation.³ They held that the Roberts Commission, set up and appointed by the President, was an *ex parte* body employed by the Executive to investigate derelictions in the Executive Department itself and that any new investigating board, if established by War or Navy Departments on their own authority, would likewise be an *ex parte* body. But to propose a congressional inquiry or to engage in extensive discussions of the Pearl Harbor case seemed, even to critics of the Roberts Report in Congress, inappropriate while the final outcome of the war appeared to be uncertain.

PROVISIONS FOR A NEW INVESTIGATION ON JUNE 5, 1944

In June, 1944, however, an imperative duty brought the Pearl Harbor case before both houses of Congress. Under federal law, as it stood on December 7, 1941, when the alleged offenses of General Short and Admiral Kimmel, if any, were committed in connection with Pearl Harbor, persons charged with such offenses had to be tried within a period of two years. When this term expired in December, 1943, Congress extended it for six months by special act. When this six months' extension was at an end in June, 1944, a further extension was necessary, if the accused were to be accorded the trials by courts-martial which they demanded for the sake of their honor, and unless the whole question of responsibility for Pearl Harbor was to be dismissed, as far as the statute of limitations was concerned. Now, as the issue of extension came

up in Congress in June, 1944, the course of the war indicated a final victory for the Allied Powers and some consideration of the Pearl Harbor problem seemed unavoidable. At all events, discussion occurred; a resolution of extension in a new form easily passed both houses; and it was signed by the President on June 13, 1944.

By its very terms the Joint Resolution approved June 13, 1944, showed a dissatisfaction in Congress with regard to the restraints put on the Roberts Commission by President Roosevelt in his instructions of January 18, 1941, and a determination to have a more extended inquiry into "the facts" of the Pearl Harbor disaster. The resolution was indeed sweeping in its scope. It covered all "statutes, resolutions, laws, articles, and regulations" affecting the possible prosecution of persons sharing responsibility for the Pearl Harbor catastrophe. Furthermore it applied to all persons "in military or civil capacity involved in any matter in connection with the Pearl Harbor catastrophe." It peremptorily ordered the Secretary of War and the Secretary of the Navy to proceed forthwith in making an investigation "into the facts surrounding the catastrophe" and to commence such proceedings against persons found guilty of offenses as

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That effective as of December 7, 1943, all statutes, resolutions, laws, articles, and regulations, affecting the possible prosecution of any person or persons, military or civil, connected with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, that operate to prevent the court martial, prosecution, trial or punishment of any person or persons in military or civil capacity, involved in any matter in connection with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United

period of six months, in addition to the extension provided for in Public Law 208, Seventy-eighth Congress.

SEC. 2. The Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the catastrophe described in section 1 above, and to commence such proceedings against such persons as the facts may justify.

Approved June 13, 1944.

The appearance of, and the ensuing debates over, the Resolution in Congress *directing* the Secretary of War and the Secretary of the Navy to proceed *forthwith* with a new investigation of Pearl Harbor and to commence such proceedings against such persons as the facts might justify naturally disturbed the Roosevelt Administration despite the fact that Democrats controlled Congress. Why a new investigation? Had not the President's Commission, headed by Justice Owen

J. Roberts, made an inquiry, cleared the Administration, and named the culprits in its Report, dated January 23, 1942? Why endanger the war unity of the country? Why not wait until the war is over, when the public interest will permit the trial of the accused by courts-martial? Why should good Democrats allow Republican politicians to raise difficulties for the Administration and make capital out of the case for the coming presidential campaign?

Certainly these questions seemed reasonable enough, from the point of view of war unity, as well as Democratic strategy for the approaching campaign. Besides, the Democrats controlled both houses of Congress and could block the proposed investigation, although they could not prevent Republicans from bringing up the issue. But things are not always what they seem to be on Capitol Hill, at least as judged by the *Congressional Record* and the press reports of proceedings in the House and the Senate. By the summer of 1944 Democratic members of committees, as well as Republican

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people at large, even to the “intellectuals” who instructed the nation on public affairs. Some of these Democrats were shrewd enough to realize that some day an investigation was almost certain to come and, as Republicans had often declared that the protective tariff, if revised, should be revised by its friends, so Democrats concluded in 1944 that, if Pearl Harbor was to be investigated anew, the inquiry should be in the hands of friends of the Administration. They knew also that the apparently exigent words “proceed forthwith” did not necessarily mean that anything serious would have to be done before the election in November.

Even so, after the Resolution had passed, the question of a veto by President Roosevelt was anxiously considered in Administration circles. The discussions of this point in those circles were not then known to the public but, since the secret documents bearing on them were later brought to light by the Congressional Committee on Pearl Harbor,⁴ reference is made to them here, at the risk of breaking the chronological story of “appearances.”

Early in June, 1944, Attorney General Biddle told Judge Samuel Rosenman, President Roosevelt’s confidential agent in political matters, “that considering the possibility of criticism that the President might be subjected to if he did veto it, it was his personal view that the President ought to think pretty carefully before he did decide to veto it.” To the Assistant Solicitor General, Hugh Cox, the Judge Advocate General, Myron Cramer, said, June 8th, that “many people” were “very keen about a veto on it,” but Mr. Cox replied that he had the impression that Judge Rosenman “would be very reluctant to have him [the President] veto it.” Mr. Cox, with a B.A. acquired at Christ Church, Oxford, England, whose knowledge of the American Constitution may have been slighter than his knowledge of the English Constitution added in his

4. See CJC (1946), Part 19, pp. 3914 ff., for documents bearing on the history of the Resolution of June 13, 1944; as to the bill, the veto proposal, and action under the law, pp. 3925 ff.

"I don't think Congress has got the right to tell you to go ahead forthwith with an investigation but they've done it and it's a question I suppose for the President of weighing an im propriety against the criticism that might come from vetoing the thing." 5

At any rate President Roosevelt signed the bill. Shortly, General McNarney, who had served with Justice Roberts on the President's Commission on Pearl Harbor, telephoned to the Judge Advocate General that the President had signed the Resolution on the understanding that it was not to interfere with the war effort, "which approves our going ahead with *some sort of an investigation.*" (Italics supplied.)

During the debates in Congress on the Resolution for an extension of the time for the trials of General Short and Ad miral Kimmel and for a new investigation, in its original form and with proposed amendments, Representatives and Sena tors revealed various attitudes toward the matter of respon sibility for the disaster at Pearl Harbor and put before their respective chambers a number of new facts, real or alleged, which had not been disclosed by the Report of the Roberts Commission.⁶ In respect of attitudes, the language used by the speakers was sufficient evidence. In support of the "new facts," little or no documentary evidence was introduced and on the whole their validity depended at the moment upon the author ity of the speaker who presented them during the debates.

Early in the debates in the House, J. Bayard Clark, Demo crat from North Carolina, who later served faithfully as a member of the Congressional Committee on Pearl Harbor, took the position of unquestioning loyalty to President Roose velt and made the issue one of confidence in his Administra tion. Mr. Clark said on this subject:

5. June 15, 1944, Cornelius H. Bull, Special Assistant to the Judge Advocate General of the Navy Department, wrote to General John Weir that, if Admiral Gatch recommended a court-martial for Admiral Kimmel: "We both know that the President would, in all probability, just put the matter in his files ('under con sideration') certainly until after the Elections." *Ibid.* p. 2022

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. . . what I particularly wish to call to the attention of the House is that section 2 of the bill peremptorily instructs the Secretary of War and the Secretary of the Navy. It reads: "The Secretary of War and the Secretary of the Navy are severally directed to institute court-martial proceedings on all charges against any persons" who may be at fault in connection with the Pearl Harbor disaster. This applies, I believe, to civilian as well as military personnel. . . .

I know there is a disposition in this body and elsewhere to try to find fault in some way with the manner in which the war is being prosecuted. Speaking for myself, I have complete confidence in the way the war is being handled from the Chief Executive right on down the line, and to my mind when the Congress undertakes or finds it necessary to instruct the Secretary of War and the Secretary of the Navy as to what they shall do and how they shall conduct their official duties, it is virtually tantamount to a vote of lack of confidence in these men at the head of our military machine at this time of crisis. I have no doubt whatever the reasons may be that our military personnel have good reasons for what they are doing.

. . . I have not tried to find out why no courts martial have been instituted. I am satisfied in my own mind that whatever the reasons may be they are good ones and that the adoption of this resolution in place of aiding in the war effort will put us in the ridiculous attitude of almost censuring the heads of our War and Navy Departments. I suppose it is inevitable, but nevertheless it is regrettable, that the unity we once had in this Chamber on war measures has so completely disappeared. I do not particularly like to say this, I wish it were otherwise, but from what I have seen and heard and observed I am bound to feel that there are many on the minority side of this Chamber who will be disappointed if they do not find something badly wrong with the prosecution of the war. I am going to go far enough to say in concluding my remarks that too many people in the United States and here in this Chamber apparently are not taking the war seriously enough.

Immediately after Mr. Clark had concluded his address, Harold Knutson, Republican from Minnesota, exclaimed: "Oh, shame! shame!" Then Hamilton Fish, Republican from New York, got the floor and said:

Mr. Speaker, I have the highest regard for the gentleman from North Carolina, who just addressed the House. I do not believe, however, any speech I have heard recently in the House could create more disunity than the remarks of the gentleman from North Carolina. As he well knows, our armed forces are composed of Republicans and Democrats; our sons are fighting all over the world; they are united and determined to beat the enemy, Germany and Japan, as quickly as possible and to get the war over with. To give the impression that there is any Member of the Congress, or anybody in the minority party who is trying to throw monkey wrenches into the war machinery or to impede our war effort is both unfair and untrue.

Mr. Speaker, it seems to be apparent that there are those Members of the House who take the position that the minority has no right even to criticize or talk about the foreign or domestic policies of the administration. . . .

After all, Mr. Speaker, we are the elected Representatives of the American people, and we are speaking here in their behalf. All this resolution seeks to do is to give the facts to the American people whose sons are doing the fighting and the dying; and they are entitled to have all the facts regarding the greatest naval disaster in the history of America. There has already been too much delay and shadow-boxing by the administration in order to avoid telling the whole truth to the American people and in holding all those responsible for the Pearl Harbor catastrophe strictly accountable. . . .

Mr. Speaker, I am going to read an editorial taken from the World-Telegram, a Scripps-Howard paper in New York. . . . This paper is one of the largest in the city of New York and the same editorial was probably circulated widely over the country by the Scripps-Howard syndicate. It is entitled, "Kimmel, Short, Roosevelt, Hull":

"The administration is plainly resolved to postpone the Pearl Harbor trials until after the election. The Japs have long known exactly what they did to us in that most disgraceful disaster ever yet suffered by American arms. To hold the trials now would tell them nothing they don't already know.

"But it is widely believed that the trials would force to light evidence connecting high Washington officials with orders to Kimmel and Short to take the No. 1 alert (readiness for sabotage from within) instead of the No. 2 readiness for

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which might have turned Pearl Harbor into a victory for us and shortened the Pacific war. These orders might have been urged by Mr. Hull, or sent by Mr. Roosevelt.

"If such orders were sent, the Administration is determined to keep the American people from knowing who sent them until after the election. Politics, and politics alone, is the cause of this procrastination."

... Mr. Speaker, in view of the fact that the Administration has failed, up to now, to court martial either General Short or Admiral Kimmel, all we are seeking, at the present time, is for the Congress to exert its influence 2 % years after Pearl Harbor to be assured of a speedy trial. I am surprised that there has not been more forceful language used in the Congress long before at the request of the American people and the mothers and fathers of the 3,000 American boys who were killed at Pearl Harbor, in a demand to know exactly what the facts are and who was responsible right up to the very top. It is not surprising that this matter should come before the House at this late date in view of the delay and failure of the administration to act.

Later in the debate in the House, Emanuel Celler, Democrat from New York, made a renewed appeal for war unity in the following terms:

I do not think that the perilous times involved during the war should make a suitable setting for any trial of this character. We should not at this critical juncture in our affairs deal in any Pearl Harbor fiasco. There is danger. There is danger of impairment of national security.

Awhile ago I said that there was a Commission authorized by the President to delve into the circumstances attendant upon the dastard Pearl Harbor attack. Justice Owen J. Roberts and his colleagues made a report which was painstaking. It was fair and unbiased. It was erudite. I have it right here before me. I have read it most carefully. It involved 127 witnesses, 1,887 pages of testimony, and a review of 3,000 pages of documents. For the time being, until the war is ended, that Commission's report should satisfy the Nation and the Members of this body. It is not complete, yet it is comprehensive. It is a dignified common-sense report. . . .T

5 C. H. C. 1000

Any public court martial now, I say would indeed be a sort of grist to Goebbel's mill and would give aid and comfort to Emperor Hirohito.

We are going through an unusual test. It is without precedent. We are fighting a global war on scores of fronts, and in addition we are going through a Presidential campaign ... A Short- Kimmel court martial would intensify the passions and furies rampant in the political arena. England has a political truce agreed upon by all parties. We are for political warfare unabated. Some abettors of the pending bill would add prussic acid, I would say, to the daily political fare. Some would seek political advance through this measure. They would use the court martial as a petard by which to climb to power. They would use the court martial as a bludgeon to strafe Roosevelt and the Secretaries of War and of the Navy.

Certain publications and bitterly partisan commentators, like Arthur Krock, of the New York Times, and George E. Sokolsky, of the New York Sun, are already pulling all stops of their organ of hate. Their evil effusions concerning this attempted court martial would undermine the confidence in the over-all commands of our armed forces. With them and others it seems that anything goes.

We cannot and should not dispute the judgment of the high commands of the Army and the Navy. Admiral King said it would be dangerous to take the men from the battle fronts. We also have the word of the Secretary of War and the late Secretary of the Navy, Mr. Knox. It is the word of Admiral King that says, "Let us not take these men away from their important duties and bring them here or anywhere else as witnesses in this court martial."

On the whole the discussion of the resolution in the Senate was far less partisan than in the House. In truth it was not partisan at all in a strict sense; it reflected a matured conviction that General Short and Admiral Kimmel were to be regarded as innocent until proved guilty, and that responsibility for the Pearl Harbor catastrophe was far more complicated than the question of their innocence or guilt. Shortly after Carl Hatch, Democrat from New Mexico, had called for a

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Mr. President, I did not object to consideration of the joint resolution ... I think the procedure has been a disgraceful one. General Short and Admiral Kimmel have not been brought to trial. I have heretofore expressed myself on that subject on this floor. Apparently some of the higher-ups in the Government are afraid of the nature of the defense which might be made by Admiral Kimmel and General Short.

Recently I have seen in the public press a demand on the part of Admiral Kimmel that he be brought to trial. We all know that if the time limit is extended for a year,⁸ we might as well recognize the fact that these men will never be brought to trial, or, if they are brought to trial, that the trial will be held after some of the witnesses are dead and after much of the evidence has been dissipated. If we are to extend the time limit for a year, the whole proceedings might as well be dismissed. . . .

We all know that Pearl Harbor is one of the most disgraceful episodes in the history of the United States. We know that the disaster of Pearl Harbor was not due to any lack of armament or any lack of equipment or any lack of personnel, but was due to the fact that the ordinary precautions in the service of security, which should have been taken in peacetime, were flagrantly disregarded. Someone should be court-martialed for that. Someone should be court-martialed while the evidence is fresh. If it was not the fault of Kimmel and Short, they are entitled to be brought to trial and given the opportunity to show upon whom the responsibility rests.

Senator Albert Chandler, Democrat from Kentucky, expressed a similar opinion of the case:

I remind the Senate that up to the present time no charges have been filed against either of them. . . .

In my judgment, what we propose to do is perfectly innocuous. I do not believe it means anything. I believe that any man who is charged with a serious offense against his country which involves a court martial is entitled to trial. Admiral Kimmel has demanded a trial. However, thus far no charges have been filed against him, and I am not certain that

which would support a court martial. The Army and Navy had a right to believe that the President, by appointing a special commission, took the case out of their hands. It is perfectly foolish to assume that the Army has a right to investigate the Executive offices, the State Department, the F.B.I., the Federal Communications Commission, and various other commissions which may have to be investigated in order to ascertain the full facts and circumstances surrounding what happened at Pearl Harbor. . . .

I do not agree with the statement that we were ready for war at Pearl Harbor. We were not ready for war. I should not like to see these two officers made scape-goats because of the failure of many others to estimate the seriousness of the situation and take steps which would have prevented what happened. . . .

Although I should like to see Admiral Kimmel tried, personally I do not believe that he has committed any offense against the American people. He was in the American Navy for 40 years, and reached the highest rank in the Navy. I do not believe that he has committed any wrong. However, time will tell. In the mean time, he carries the burden of suspicion that he has betrayed the American people in an important public trust. I do not believe he did so. However, he must stand trial, and in the suspicion and heat of the day he must remain on the side lines. . . .

Mr. Clark of Missouri. The Senator from Kentucky said that the Navy Department and the War Department cannot investigate other departments. I wish merely to ask the Senator if it is not a fact that the War Department gave out information with a great flourish of trumpets that General Short would be court martialed, and with a great flourish of trumpets information was given out that Admiral Kimmel would be court martialed,⁹ and yet neither has been brought to trial. Kimmel now comes along and says, "I demand to be tried. I demand to be tried while the evidence is available." I express no opinion as to whether either Admiral Kimmel or General Short is guilty, or whether both of them are guilty, but if they are to be tried at all, I assert that they should be tried while the evidence is available. I have heard intimations made repeatedly that the reason they have not been tried is that higher authorities were apprehensive about the nature of

made statements in the heat of debate and without knowing the facts, that certain ones should be shot or court martialed, probably now regret such statements.

A great tragedy has stricken the American people and they do not know who was responsible for it. After 40 years of service Admiral Kimmel was allowed to retire. General Short was removed from his post. The finger of suspicion has been pointed toward each of those men ever since, and many of the American people think to this hour that those men were derelict in their duty. However, no charges have been filed against either of them. According to American justice, they have a right to believe that the presumption of innocence goes with them until they are confronted with charges, know the nature of them, and have an opportunity to present witnesses in their defense, and to be considered innocent until they are proved guilty.

Homer Ferguson, Republican from Michigan, maintained that secret maneuvers were involved in the case and that the time had come to explore the records of the Executive Department:

I think it is well that the Senate should know that up until the day of the hearing before the resolution was reported the War Department made no attempt to obtain the facts to ascertain whether or not anyone was guilty other than General Short or Admiral Kimmel. Therefore, they had no facts in their files from which they could charge anyone else with dereliction of duty. Consequently, they obtained a waiver only from General Short and Admiral Kimmel because the President of the United States and the Secretary of War had stated that they alone were derelict in their duty from the facts disclosed in the Roberts report.

I think it is well that the Senate should know also that the report of Mr. Justice Roberts was filed about the 23d of January 1942. That was before the white paper was published in 1943. The Roberts report and those who were on the Roberts commission did not have the facts which are now contained in the white paper as to whether or not higher-ups were guilty of dereliction of duty to the American people.

I, for one, believe that the Army of the United States and the Navy of the United States, and those in charge, should

the resolution as now amended. I believe that they should obtain the facts in order to ascertain who is guilty, if anyone, and, then, after a reasonable time, I believe it is the duty of this body to ascertain, in executive session if necessary—for no one wants to give any aid to the enemy—what the Army and Navy have been able to ascertain, and if the State Department and other departments, the Interior Department and even the Executive, fail to give to the Army and Navy officials all the facts so that they can perpetuate those facts for the future of America, then this body should step in and exercise its power to ascertain what the facts are.

That a wider investigation than contemplated by the Resolution was necessary, Senator Hatch and Senator David Walsh agreed:

Mr. Hatch. Mr. President, the Committee on the Judiciary considered this joint resolution most carefully and realized all the complicating legal and other questions involved. The subcommittee and the full committee were practically unanimous in agreeing that at this time about the only thing we could do would be to pass the pending joint resolution, extending the period of time. The question of a congressional investigation was discussed in the committee. I am sure there was no member of the committee who sought or desired to cover up anything. The thought of a congressional investigation received favorable consideration in the committee. We even discussed the possibility of adding an amendment to the joint resolution now pending requiring a congressional investigation of all the incidents. But we realized that was a matter which should be considered by itself. . . .

I repeat, in behalf of the committee, not a member of the committee desired to cover up anything or shield any person whatever. We met the legal situation and we made the recommendation unanimously from the committee that this joint resolution be passed. . . .

Mr. Walsh of Massachusetts. Mr. President, I should like to ask the Senator from New Mexico a question. From what I have been able to learn about this case, there are two issues involved. So far as Short and Kimmel are concerned, the issue would be, what knowledge did they have, and what, if

they possessed? That is a real issue which could well be tried by a court martial.

From what I have further heard—and a good deal of it is rumor and not authenticated—the defense of these officers is that other persons had knowledge which, if they had possessed it, would have resulted in a different situation at Pearl Harbor, and that it was the failure of other persons, higher up in the chain of command to transmit knowledge which they possessed, that was largely responsible for conditions at Pearl Harbor.

If that is the situation, certainly we should not ask the Secretary of the Navy and the Secretary of War to investigate themselves, or to investigate their own Departments. It seems to me that sooner or later, if we are to know the whole story of Pearl Harbor, which the American people have a right to know sometime, that will have to be brought about by an investigation through some committees of the Congress.

Mr. Hatch. Mr. President, those were largely the sentiments expressed in our committee. There are many other considerations against either of these departments fully investigating itself, but the investigation authorized by the pending committee amendment is more in the nature of an investigation to secure the facts and to preserve and have ready for use the testimony.

Near the close of the Senate debate on June 5, 1941, Senator Robert A. Taft of Ohio, read into the *Record* a series of searching questions relative to Pearl Harbor, which Arthur Krock had asked in the *New York Times* on May 31, 1944, that is, about a week before the debate occurred. Among these questions the following had a particular bearing on the matter of overhead responsibility for the catastrophe at Pearl Harbor:

1. Why was a fleet concentrated in the harbor waters in the presence of a crisis which the Secretary of State, Cordell Hull, had twice reported to the War Council (that included the Secretaries of War and Navy) and as much as 10 days before had described as requiring an alert against simultaneous Japanese attacks at several points “anywhere in the Pacific area”?

2. Why was the Pacific Fleet based on Hawaii instead of on

before, after, and during the time when the Secretary of the Navy, the late Col. Frank Knox, was warning the Secretary of War, Henry L. Stimson, of a possible Japanese air attack in the Pacific, specifically at Pearl Harbor?

4. In what degree was there correlation between State Department intelligence and War and Navy Department instructions to field commanders?

5. What were the circumstances surrounding the selections of General Short and Admiral Kimmel for their commands, and what if any were their liaisons?

6. Why did the Army in Hawaii continue tolerant policies toward those Japanese in Hawaii whom the Navy wished to arrest for violation of the foreign agents registry law?

7. Why did the Navy shore officer fail to call for alert No. 3 after a two-man Japanese submarine was discovered and sunk shortly before the air attack?

8. Why was the Army command in Washington silent after receiving on November 29 General Short's report that he had only instituted alert No. 1, or, if it sent a correcting message before the new attack, what became of that message which is said never to have been received?

9. Why did Washington's orders to Pacific commanders concentrate on sabotage of airplanes on the ground; and why did they emphasize the Southwest Pacific as the point of possible attack when Mr. Hull had predicted simultaneous assaults everywhere in that ocean? Was this emphasis the explanation of what happened at Manila when the Navy was ordered away in time and General MacArthur kept his planes massed on Nichols Field?

10. In general, what is the share the Washington administration should have in culpability for the success of the Japanese attacks?

**THE QUESTION OF SECRET CORRESPONDENCE (1939-1941)
BETWEEN PRESIDENT ROOSEVELT AND WINSTON
CHURCHILL RAISED IN THE SENATE**

If the Joint Resolution signed June 13, 1944, and the debate in Congress that had accompanied its passage were startling to defenders of the official thesis on the coming of the war no less amazing to them was a debate in the

between President Roosevelt and Winston Churchill alleged to have been opened in September, 1939, if not earlier. The occasion for this debate was a dispatch from London, passed by the British censor on June 16, 1944, dealing with a debate in the House of Commons on that day in respect of the arrest and imprisonment, in 1940, of Captain A. H. M. Ramsay, a member of the House of Commons, and Tyler Kent, a code clerk in the American Embassy at London.¹⁰ At the time of their arrest, Mr. Kent had been charged with purloining certain messages from the American diplomatic bag and with disclosing some of the contents to Captain Ramsay, who was accused of being antiwar and anti-Semitic in his views, and to a woman of Russian origin, Anna Wolkoff, whose designs in the case were obscure.

Using the dispatch from London on the Ramsay-Kent affair as his text, Senator Elendrik Shipstead brought the case to the attention of the Senate and started a long exposition of views in which opponents and defenders of President Roosevelt's conduct of foreign affairs took part. The Senator said at the outset that the dispatch "reflects upon the integrity not only of the Government of the United States, but also, to some extent, upon the integrity of the Government of Great Britain." He quoted the headline of the dispatch: "Commons told F. D. R. pledged aid before war—M. P. says Churchill got promise." Then he proceeded with an analysis of the dispatch.

Extracts from the debate as printed in the *Congressional Record*, June 19, 1944, follow:

Mr. Shipstead . . . I intend to refer to a matter which in my opinion is of such great importance that it ought to be called to the attention of the Congress of the United States. It deals with a news paper dispatch from London, England, which has passed through the British censor. It deals with the debate in the Parliament of

10. The text of this debate in the House of Commons is to be found in 400 *House of Commons Debates*, June 16, 1944. My transcript of this debate covers fifteen

Great Britain. That debate was participated in by members of the three parties represented in the British Parliament, and it is of such a grave character that it reflects upon the integrity not only of the Government of the United States, but also, to some extent, upon the integrity of the Government of Great Britain. I am amazed that the British censor should pass it, but because the British censor has passed it, I assume that it has the imprimatur of the British Government. . . .

I read from the dispatch:

“London, June 16.—President Roosevelt promised Prime Minister Churchill before Britain entered the war that America would come to her aid. This accusation was made today in the House of Commons by John McGovern, an independent Laborite.

“In a debate on regulation 18-B, in which the minister of home security is given authority to detain in prison without trial any person he suspects to be dangerous to the war effort, McGovern asked whether the reason for the continued detention of Capt.

A. H. M. Ramsay, a member of Parliament, was that he might make sensational disclosures about pre-war negotiations between Churchill and Roosevelt.

“McGovern linked the detention of Ramsay to the arrest of Tyler Kent, American embassy clerk, whose mother, a resident of Washington, D.C., has been fighting for his release for 4 years. Kent was sentenced to ‘7 years’ imprisonment in camera on a charge of disclosing embassy secrets. He was a code clerk and had access to diplomatic correspondence.”

I quote the words of the member of Parliament, Mr. McGovern: “I have been told that Captain Ramsay is not in because he is a Fascist,” McGovern said, “but because Tyler Kent took copies of letters from a diplomatic bag between the Prime Minister and the President of the United States. The Prime Minister was soliciting military aid in the event this country was going to war and preparations were made and promises given by the President of the United States through the diplomatic bag.”

That was done when the present Prime Minister was not

in

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That was when the present Prime Minister was head of the British admiralty, and when Chamberlain was Prime Minister and head of the British Government—

“he still was carrying on this campaign behind the back of his Prime Minister—”

I am quoting the words of a member of the British Parliament— “engaging in the exchange of letters through the diplomatic bag in order to find out the strength of American support and whether America could be depended upon to come into the war.”

That was before Winston Churchill was Prime Minister. . . .

I quote further from the words of the Member of the British Parliament:

“It is said that if Ramsay were released—”

Ramsay was a member of Parliament, and is now in jail—

“it would be extremely dangerous and difficult for him to be going around substantiating these things and stating that they are true, and therefore that he is being held because the Prime Minister does not want him to be liberated.” . . .

Mr. Wheeler . . . My understanding is that no foreigner is allowed to use the American code. It is my understanding that at the time under discussion Mr. Churchill was the First Lord of the Admiralty in Mr. Chamberlain’s cabinet. He could not use the British code. In other words, he would not dare to use the British code, if the information which came to me from Mrs. Kent is correct.

Mr. Shipton . . . He could not use the code without the consent of Chamberlain. . . .

Mr. Connally . . . Mr. President, I regret very much that the distinguished Senator from Minnesota should pay so much attention to a mere hearsay statement of a member of the House of Commons. It will be recalled that in the quotation the Senator stated in several places that this member of the House of Commons—I forget his name—made the statement, “I have been told so and so and so,” or, “It is understood so and so and so and so and so. . . .”

The fact that it passed the British censor does not bear much significance because statements made on the floor of the House of Commons are public property, there is general knowledge as to what is said and what occurs there. I see no reason why they should not pass it and let us hear about it.

Mr. Shipton. Mr. President, will the Senator yield?

Mr. Connally. I yield.

Mr. Shipton. . . . There is nothing here to indicate that any member of the Parliament denied the charges that were made by the honorable member who discussed the matter. It was discussed as a fact. No question was raised as to the facts in the case. The only question was, "What are we to do about it?"

Mr. Connally. The Senator says no one denied some statement.

Does the fact that no one denied it make it true?

Mr. President, since this matter has arisen on the floor, let me say that I have had some contacts with the legal officer in the Department of State, and I find this to be the case about this matter: Young Kent was an employee of the American Embassy. He became involved with a little group in England, member of Parliament Ramsay, a Russian woman, and others who were conspiring to violate and did violate English law. It was not alone a breach of trust to the Government by which he was employed, but in his activity in connection with this group in England he was violating the British law, the Defense of the Realm Act. The British have laws dealing not only with the extraction of documents, but the conveying of information concerning the documents to British citizens, and in that way the young man violated the British law. The State

Department says that the British Government before prosecution submitted the documents to the United States Government, and before the prosecution was begun our

Government examined the documents and concluded that Kent ought to be prosecuted, and waived his diplomatic immunity. If we had desired we could have invoked diplomatic immunity in this case and perhaps have prevented it from being prosecuted in the British

courts.

But here was a conspiracy. One prong of it was a boy working for the American Embassy; another prong was a member of the British Parliament, and a third prong was a person from Russia.

All of them were engaged in enterprises which under the British law were inimical to the safety of the British realm. Why not try them all in the same jurisdiction where the facts

Oregon [Mr. Holman] tried to interject into this matter. We are in a great war. This is not an individual war of President Roosevelt. It is not an individual war of Mr. Winston Churchill. It is not an individual war of Mr. Stalin or of Chiang Kai-shek. It is a war of all the people of these four great countries. Why do we in the midst of it have to have these slings and slurs constantly cast at Mr. Churchill. I hold no brief for Mr. Churchill. Why do we have to have these slings continually at the President of the United States? I have never been an unconditional supporter of the President in his domestic policies; but I have favored his foreign policies, and I expect to continue to follow them so long as they go along the course they have taken in recent years.

Mr. President, this war is not helped, it is not aided, its successful prosecution is not furthered, its cause is not advanced by things of this sort—picking up a newspaper somewhere and reading that John Smith said that Bill Jones told him that the Widow McCafferty told him that Mr. Roosevelt told Churchill before ever he was Prime Minister that we were going to help him militarily. I do not know whether Mr. Churchill invoked the President's aid. Everyone in this Chamber knows that Mr. Roosevelt could not send a soldier, he could not send a dollar of military supplies to Mr. Churchill or his Government or any other government until the Congress of the United States authorized such action.

Mr. President, why can we not have unity until the war is over? Why cannot we stop this sniping and shooting behind the lines? Why can we not do away with sabotage until this struggle is over? When it is, then turn loose your dogs of war, bring on your political organizations and your militaristic groups representing this faction and that faction. But in the name of common sense, during time of war let us remain united. . . .

The subject of communications between President Roosevelt and Winston Churchill prior to 1940,¹¹ when Mr. Churchill became Prime Minister, was not novel in June, 1944, to American students of English and American history; nor in deed to readers of the *London Times* and the *New York Times*. The matter had been touched upon in both of these

Ramsay and Mr. Kent were arrested and imprisoned.¹² The following citations of “news” establish this fact:

New York Times, August 25, 1940. Report on the arrest of Captain Ramsay. The article charged Captain Ramsay with being “strongly anti-Communist, anti-Semitic, and pro Hitler,” and added: “Informed American sources said that he had sent to the German Legation in Dublin treasonable information given him by Tyler Kent, clerk in the American embassy in London.”

London Times, October 24, 1940. Report of the opening of the trial of Tyler Kent, accused of offenses contrary to the Official Secrets Act.

London Times, November 8, 1940. Report on close of the trial of Tyler Kent.

London Times, July 18, 1941. Report on the opening of a lawsuit filed by Captain Ramsay against the New York Times Company, charging the company with slandering him in its issue of August 25, 1940.

London Times, July 19, 1941. Report on Captain Ramsay’s action against the *New York Times*, with extracts from the Law Report of July 18.

London Times, July 26, 1941. Report on further hearings of Captain Ramsay’s action against the *New York Times*.

London Times, August 1, 1941. Report of the conclusion of the case of Captain Ramsay against the *New York Times*. Judgment was rendered against the *New York Times* in favor of Captain Ramsay, but the damages were assessed at only one farthing in each of the cases—against the New York Times Company of New York City and the Times Company, Limited, of London, respectively.

New York Times, August 1, 1941. Report on the Ramsay case in London and the awarding of “contemptuous” damages against the *New York Times*. Statement that Valentine Holmes, counsel for the *Times*, called Captain Ramsay a

12. The charge that President Roosevelt had entered into secret agreements

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“traitor” and an “associate of thieves and felons.” Further statement: “Almost every leading British newspaper tonight expressed congratulations to the *New York Times* on the result of the case.”

374 *House of Commons Debates*, October 16, 1941, Col. 1509. Mr. McGovern asked the Home Secretary about the nature of the telegrams, cables, or messages stolen or alleged to have been shown to Captain Ramsay and “the name of the British subject who had sent these messages to President Roosevelt and for what purpose.” The Home Secretary declined in “the public interest” to reply.

374 *House of Commons Debates*, November 11, 1941, Col. 2042. Mr. Stokes asked the Home Secretary about the messages exchanged by President Roosevelt and “the British subject” and added: “Were any of these cablegrams or messages sent by the Prime Minister [Mr. Churchill] behind the back of the then Prime Minister [Mr. Chamberlain]?” The Home Secretary declined to give information on the subject.

Washington Times-Herald, November 12, 1941. Article by Arthur Sears Henning on the discussion in the House of Commons on the previous day. Mr. Henning noted that the reference in the House of Commons was confined to messages sent by Mr. Churchill as First Lord of the Admiralty in the Chamberlain Cabinet, and said that the White House, in response to an inquiry, professed to have no information on the subject. Mr. Henning made a number of allegations respecting the contents of the messages that passed between President Roosevelt and Mr. Churchill. He alleged that the messages touched upon a more vigorous prosecution of the war by Premier Chamberlain and the possibilities of the United States taking an active part in the support of Great Britain. Mr. Henning also charged President Roosevelt with having previously permitted, if not encouraged, William C. Bullitt and other American diplomats abroad to offer promises of American aid to France and Poland if they got into the war.

At length on September 2, 1944, the State Department

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and newspaper reports regarding the case of Tyler Kent,” and giving its official account of the case. In this release the department stated that Mr. Kent, when his room was searched, had in his possession “copies of Embassy material totalling more than 1500 individual papers.” It did not describe the nature of these papers; nor did it refer to the allegation that they included messages exchanged between President Roosevelt and Mr. Churchill. Nor did the department deny that such exchanges had taken place. It devoted most of its report to justifying the action that had been taken against Mr. Kent on the part of the British Government as well as the Government of the United States.¹³

Such are a few of the numerous public references to the Roosevelt-Churchill correspondence and the Tyler Kent case.

THE SEPTEMBER, 1944, DEBATE ON PEARL HARBOR

During the summer of 1944 a number of events conspired to create an excitement over the Pearl Harbor case in Army, Navy, and political circles. Inquiries were being carried on by War and Navy boards established under the Act of June 13, 1944. At hearings held by the military and naval affairs committees and other committees of Congress on this and related matters, information respecting responsibility for the catastrophe was developed; and members of the Republican minorities of these committees acquired inside knowledge under the seal of secrecy. Indeed, as Senator Hatch had remarked during the June 5 debate in the Senate, the judiciary committee of that chamber had then given favorable consideration to a congressional investigation of the whole Pearl Harbor case.¹⁴ And Republicans were saying that in the hidden facts of the Pearl Harbor disaster lay information that would put entirely new aspects on President Roosevelt's conduct of foreign affairs prior to the catastrophe.

A temper already growing warm was fanned to white heat in the latter part of August, 1944, by Senator

Truman, then candidate for Vice President on the Democratic ticket. In *Collier's* magazine Senator Truman, in the course of an argument for the unification of the armed forces, took advantage of the occasion to bring up the Pearl Harbor affair and by direct statement and implication to lay responsibility for the disaster on the lack of cooperation between the Army and the Navy. In the article also was the following insinuation: "In Hawaii, General Short and Admiral Kimmel could meet, if they happened to be on speaking terms, or exchange cables and radiograms." Whether so intended or not, Senator Truman's attack on the two commanders could be and was interpreted to mean that the charges of the Roberts Report against them were well founded, that responsibility for the disaster lay on the commanders, and that President Roosevelt, as well as other high officials in Washington, stood free and clear, as represented by the Report.

Admiral Kimmel was incensed by Senator Truman's insinuations. For more than two years and a half he had remained under the cloud spread by the Roberts Report over his honor and conduct, privately pleading for a trial, for an opportunity to be heard, for the right accorded to the meanest criminal under the principles of American jurisprudence. His position was made more unbearable for the reason that the Navy Department had filed no formal charges against him calling for a trial and he could do nothing about the conclusions of the President's Commission that had designated him as one of the two men responsible for the American disaster.

Under the lash of Senator Truman's criticism, Admiral Kimmel now broke his long silence and made public the following sharp retort:

My dear Senator Truman: In an article appearing under your name in *Collier's* magazine of August 26, 1944, you have made false statements concerning my conduct as commander in chief of the Pacific Fleet at Pearl Harbor prior to the Japanese attack.

as our subordinates, coordinated the efforts of our commands
in
close, friendly, personal, and official relationships.

The real story of the Pearl Harbor attack and the events
preceding it has never been publicly told. This has not been
my decision. For more than two and a half years I have been
anxious to have the American people know all the facts.

The Roberts report, upon which you rely, does not contain
the basic truths of the Pearl Harbor catastrophe. This is
evident from the fact that no official action has ever been
taken upon the basis of that report. The Congress of the
United States, of which you are a Member, has recognized
the inadequacy of the Roberts report by directing that the
War and Navy Departments undertake a full investigation of
the Pearl Harbor disaster.

Until I am afforded a hearing in open court, it is grossly
unjust to repeat false charges against me, when, by official
action, I have been persistently denied an opportunity to defend
myself publicly. I suggest that until such time as complete
disclosure is made of the facts about Pearl Harbor, you refrain
from repeating charges
based on evidence that has never met the test of public
scrutiny.

I ask for nothing more than an end to untruths and half
truths about this matter, until the entire story is given to our
people, who, I am convinced, will be amazed at the truth.

I am releasing this letter to the press in the belief that the
historic
American sense of fair play will approve this action.

Very truly yours
H.E. KIMMEL,
Rear Admiral,
United States Navy (Retired).18

**In response to this letter from Admiral Kimmel,
Senator Truman contented himself with stating that he had
at his command documentary evidence to support his
charge and then withdrew from the controversy over it.
But instead of quenching a smoldering fire, the Democratic
candidate for Vice President had poured oil on it and**

inadequate preparations at Hawaii to cope with the consequences of his own actions in the conduct of affairs with Japan. Republicans would have been less than human, certainly less than political, in their sensibilities, if they had not taken advantage of the opportunity afforded by the controversy started by the Democratic candidate for Vice President. Besides they now had in their possession a public declaration from Admiral Kimmel, one of the parties to the case of responsibility for Pearl Harbor, that the "real story" of the disaster had not been told, that the Roberts Report did not contain the basic truths of the business, and that a "complete disclosure" had not yet been made.

On September 6, 1944, Hugh D. Scott, Republican from Pennsylvania, raised in the House of Representatives the matter of responsibility for Pearl Harbor, made certain definite statements on the subject, and asked "some of the questions which are now being freely discussed in Washington and elsewhere." Among the questions were the following: Did not President Roosevelt remove Admiral Richardson for refusing to keep the American fleet bottled up in Pearl Harbor and substitute Admiral Kimmel? Is it not a fact that the splitting of the fleet and the sending of a part to the Atlantic were opposed by many naval authorities? Did the President not order all naval vessels to prepare for action against Axis surface craft on July 30, 1941? Were these not the "shooting orders" reported by the President to the public for the first time on September 11, 1941? Had not Admiral Kimmel been promised 300 reconnaissance planes and received only 50, as against 250 apportioned to Great Britain by Harry Hopkins of the Munitions Assignment Board? Did not a high ranking naval official ask permission to get the fleet out of Pearl Harbor between September and November, 1941? Did not the Government of the United States on December 6, 1941, learn from the Australian Government that the Japanese fleet was steaming toward Pearl Harbor? Was

manders in Hawaii (instead of immediately by the swift Army or Navy radio)?

Concerning the advance notice of the Japanese attack vaguely referred to in the Roberts Report, Mr. Scott confined himself mainly to asking questions:

On November 29, 1941, Secretary Hull conferred with the British Ambassador. The Secretary said that “the diplomatic part of our relations with Japan was virtually over and that the matter will now go to the officials of the Army and Navy,” adding that “Japan may move suddenly and with every possible element of surprise and spread out over considerable areas and capture certain positions and posts before the peaceful countries interested in the Pacific would have time to confer and formulate plans to meet these new conditions”—Peace and War, page 138.¹⁷ Did the fleet remain in Pearl Harbor and was any change in the alert ordered by the Commander in Chief?

On December 6, 1941, the President went over the heads of the Japanese Government and telegraphed a personal message to the Emperor of Japan. This message appears to have been sent with out any notice to the Emperor’s representatives here or to the Emperor’s Government. On the same date as the President’s message to the Emperor, did not the Australian Government learn that a Japanese fleet was steaming toward Pearl Harbor and did it not on the night of December 6-7 inform our Government at Washington? Did not our Government transmit the information to naval and military authorities at Pearl Harbor at or about 6:30 a.m., on December 7—Hawaiian time—by commercial cable and was not the message received 7 hours after the attack?

But with regard to the problem of equipment for air defense at Hawaii, Mr. Scott made a positive assertion that it was in adequate:

Reverting to September 1941, there were 50 Consolidated Navy PBY’s—seaplanes—available for the protection of Pearl Harbor. Had not Admiral Kimmel as commander in chief, Pacific Fleet been promised 300 PBY’s in all? Upon the

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ditional 250 PBY's by Consolidated, the arrangement to send them to Pearl Harbor was canceled and all 250 were sent by Harry Hopkins, of the Munitions Assignment Board, to Great Britain. In the absence of these planes, the Navy was unable to conduct, for the protection of the fleet, an adequate 360° reconnaissance of the area around the Hawaiian Islands. We were, therefore, left with a number of blind spots in this essential survey. The Commander in Chief vested the power to make this decision in Harry Hopkins, who had had no naval or military experience, and in the Munitions Assignment Board. Mr. Hopkins is not subject to court martial.

Attacking President Roosevelt's policy of basing the fleet at Pearl Harbor, Mr. Scott said:

About the beginning of 1941, numerous complaints were forwarded to high administration sources by merchants, business interests, and others in the Hawaiian Islands that the fleet was being kept out of Pearl Harbor and at sea too much. Did not the President send for Admiral James O. Richardson, then Commander in Chief of the Pacific Fleet, who had then served but 1 year of his normal 2-year tour of duty at this time? Did the President advise Admiral Richardson that the fleet should be kept in Pearl Harbor more often and particularly on week ends, as there had been complaints from Hawaii that the absence of the fleet was bad for business, or words to that effect? Did not Admiral Richardson, who had flown to Washington from Hawaii, demur to the suggestion and return to the Pacific? These questions are being asked among Members of Congress and in the press. If they are not true, why not have an investigation or court martial promptly and make all the facts known—after nearly 3 years—to the American public? Subsequently, was not Admiral Richardson again summoned from Hawaii to the White House and was he not told in more peremptory fashion that the fleet must be kept in Pearl Harbor more frequently? At this point did not Admiral Richardson state, in effect, that as long as he was commander of the Pacific Fleet he would be compelled to use his own judgment and would do what was best for the security of the fleet, adding that, of course, the President had the power to remove him? After this inconclusive conference, did not Admiral Richardson fly back to Hawaii and was he not then

other admirals—and given the assignment? Did not Admiral Kimmel then comply with administration orders and keep the fleet in Pearl Harbor much more frequently than before? In fact, after the negotiations began with the Japanese special envoy, Kurusu, was not the fleet definitely kept in Pearl Harbor during these negotiations? Naval officers present at the time have informed me that the concentration in Pearl Harbor during the time shortly before the disaster was greater than any concentration they had ever known.

September 11, 1944, Forest A. Harness, Republican from Indiana, member of the Military Affairs Committee, delivered a long address in the House of Representatives on the subject of Pearl Harbor. Before coming to his main points, he charged the Roosevelt Administration with throwing a blanket of secrecy over the whole affair and indicated, without saying it in so many words, that he had some acquaintance with General Short's documentary file of "more than 250 pages," which "General Short believes will completely vindicate him of unfounded charges." As a member of the Military Affairs Committee Mr. Harness may have had access to General Short's files or at least have heard the whole matter of responsibility discussed by other members of the committee and representatives of the armed forces who from time to time appeared before the committee. This is highly probable. Yet Mr. Harness was himself under a seal of secrecy and could not give the actual sources upon which he relied for his contentions. He confessed, "Let me repeat here that I have no personal knowledge of the facts related here, but they come to me from a source that I believe to be thoroughly reliable and trustworthy."

Taking up the charge that General Short was responsible for the failure to complete the permanent installation of aircraft warning apparatus in Hawaii and that he had not taken proper precautions in view of the warning messages received from Washington, Mr. Harness said:

This evidence, I am informed, will show that General Short

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until he was relieved of that post about December 20, 1941, a few days after the Pearl Harbor attack; that on numerous occasions General Short asked the War Department for additional men and equipment, and for priorities and critical supplies, in view of the imminence of danger, in his opinion. These requests were denied and no satisfaction was given to his pleas. For example, on June 10, 1941, he sent a wire to the War Department with reference to the aircraft warning system in Honolulu.

In the wire, Short stated that this project of building such system was, in his opinion, the most important single project in the islands. He asked for immediate priority in order that the work could be started on this and completed at the earliest possible moment. The response that he received from the War Department, and subsequent correspondence shows that up to the time of the attack the project had not been completed. This evidence will further show that on November 27, 1941, as a result of communications passing between General Short and Washington, Short put into effect in the Hawaiian Islands one of three very extensively planned alerts. This was alert No. 1, and was called principally for general vigilance against sabotage. Simultaneously with putting this into effect, he informed the Chief of Staff in Washington that he had done so. The Chief of Staff, by return wire, confirmed the propriety of this alert and by very clear intimation in this confirmation indicated that it was the proper one of the three alerts, and that the other two were properly held in abeyance for the moment. The other two were more drastic, the third one being the alert that was to announce preparation for an immediate attack. Short had no information on which to judge that the No. 3 alert was the proper one.

In respect of an additional advanced notice of the Japanese attack, Mr. Harness spoke with assurance, though he furnished no documentary proof:

There appears to be an abundance of evidence to show that 72 hours before the attack on Pearl Harbor, the Australian Government advised the American Government in Washington that an aircraft carrier task force of the Japanese Navy had been sighted by Australian reconnaissance headed toward Pearl Harbor; that our Government was again notified

and the same notification was sent 24 hours before Pearl Harbor. None of this information was, I am informed, given to General Short.

When he came to the explosive subject of the last warning message sent “about noon” on December 7, which the Roberts Report vaguely mentioned, Mr. Harness declared categorically:

The wire was sent by commercial radio instead of the usual more rapid direct military means. General Short will contend that this information was extremely significant because of the instructions to destroy the code which is only a last resort. General Short believes that if this message had been telephoned him at 1:30 a.m., he would have been sufficiently alerted by that information and would have been much better prepared when the attack occurred.¹⁸ This evidence will further show that at 9 p.m., December 6, 1941, the night before the attack, the Army dispatched 12 B-24 bombers from San Francisco to Honolulu for use in the general defense of the islands. These bombers were sent with their defense equipment completely inoperative, and arrived that way in Honolulu. All of the machine guns and small cannon were in their original wrappings and cosmoline, were not sighted in, and none of the ammunition was in position to be used. These planes arrived about half an hour after the attack started, and in the midst of it several of them were shot down and the crews killed. Fortunately the planes carried only skeleton crews. It is shown that the Army had been flying bombers from San Francisco to Honolulu in this same manner prior to this date, and General Short had vigorously protested against the flights being made without proper defense mechanism, but his protests were unheeded.

After presenting his case to the House of Representatives, Mr. Harness ventured to put the responsibility for the Pearl Harbor disaster on high officials in Washington:

On whom rests the responsibility for Pearl Harbor if it is not the Commander in Chief? Can the President as Commander in Chief claim credit for all victories and escape

General Short and Admiral Kimmel responsible, and thereby escape criticism himself. His refusal to bring them to trial is proof of that. You know, of course, that Mr. Roosevelt placed both of these officers in command at Pearl Harbor and they were under command of the President. Who had the inside information if it was not the State Department, the White House, the Secretary of War, and the Secretary of the Navy?

On September 21, 1944, John W. McCormack, Democratic majority leader in the House of Representatives, took notice of charges that had been made by Mr. Harness and characterized them as unfortunate, incorrect, and in the nature of scandalmongering. He devoted special attention to the claim made by Mr. Harness that the United States Government had received from the Australian Government warnings long in advance about the Japanese fleet steaming toward Pearl Harbor, and called it "a vicious and false rumor." Mr. McCormack read into the *Record* statements from the War and Navy Departments which denied any knowledge of such warning from the Australian Government and expressed the belief that "there is no foundation whatever for the charge that such a message was sent." He also reported that the State Department had made a similar denial and, in response to a special inquiry, had received from the Australian Government the following message: "This is pure invention. Our cables had no data regarding the Japanese Fleet." Mr. McCormack then branded the "rumor" on which Mr. Harness had based his allegation as "a lie according to this incontrovertible evidence."

When Representative Ralph Church, Republican from Illinois, remarked that Mr. McCormack had only quoted the Secretary of War, the Secretary of the Navy, and the State Department, and went further by saying, "He has not yet quoted nor has he yet inquired . . .," Mr. McCormack exclaimed: "I think that is contemptible. That shows the gentleman's state of mind . . . I think the gentleman ought to be ashamed of himself in view of this evidence."

Mr. McCormack thereupon made an eloquent appeal for nonpartisanship and national unity.

There would appear to be a bottomless cavern wherein cheap politics beget unforgivable war rumors. Over 300,000 American fighting men have suffered casualties in this war. Death has knocked at the door of thousands upon thousands of families who before Pearl Harbor were content to live their lives in the space they now so prayerfully yearn. Thousands of permanently disabled veterans will carry their cross of war throughout life as potent evidence of their love of country. Men did not so suffer to protect slanders and vilifiers of the Government for which in the idealism of youth and the realism of manhood they offered their all for liberty of mankind. They believed in freedom of speech but not license of tongue, nor irresponsibility of position and trust.

What does it profit anyone to gain a vote through the tears of bereaved mothers, fathers, wives, other loved ones, because they, with unwarranted faith, believe in the political effulgence of their elected representative in Congress who spends his time castigating the Commander in Chief of our armed forces because he happens to be a candidate for President of these United States?

In war, when the national effort is consecrated to victory and integrity in public life is an essential of national unity, the unfounded stories of unbridled imagination purloined from the lips of those who lack the courage to manfully proclaim the facts, are injurious, speaking mildly, of the war effort. . . .

Yet Mr. McCormack was not prepared to declare that Admiral Kimmel and General Short were actually guilty of the charges lodged against them by the President's Commission on Pearl Harbor. When a colleague interposed to say that everybody shared the conviction that the two commanders were guilty, Mr. McCormack replied that he would not go that far, that his mind was still open on the point, and that the burden of proof was on those who sought to win a conviction. Later in the day, September 21, Mr. Church, whose inquiry to the effect that President Roosevelt might know about the mysterious message which had been denounced by Mr. McCormack as "contemptible," took the floor and replied to the majority leader. Mr. Scott had asked leading questions

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he claimed to be reliable and trustworthy. Mr. Church now made positive allegations and introduced names and dates.

Reaffirming the contention that the Roosevelt Administration had received from some quarter an advance notice respecting Japanese intentions to attack Pearl Harbor on December 7, 1941, Mr. Church said:

The distinguished gentleman from Massachusetts states that he has checked with the State Department, Navy Department, and the War Department, and that they each authorized him to make certain statements. But the gentleman did not mention the White House. Apparently the gentleman from Massachusetts, who, as majority leader, is the administration's spokesman on this floor, accepted a statement from the War and Navy Departments that denied only that a message was received from the Australian Government. The gentleman from Massachusetts does not state that either the War Department, the Navy Department, or the White House have denied that they had information, 3 days before Pearl Harbor, from sources other than Australia, that Japan was to attack the United States.

Apparently the majority leader does not know that Lt. Comdr. A. D. Kramer, U.S.N.R., now serving in the Pacific, was on duty in the Navy Department on Saturday night, December 6, and that he delivered a message to the State Department about 10 a.m. the following Sunday morning, which would be 4:30 a.m. Pearl Harbor time. He commented to the group at the State Department that "This looks like a sunrise attack at Pearl Harbor and mid night attack at the Philippines." He then went to the White House and delivered the message.

The gentleman from Massachusetts will probably say "rumor, just a rumor." But the gentleman is not willing to have an investigation made to ascertain whether the facts I have just recited are true. The able majority leader cannot dismiss the whole matter simply by replying "rumor, mere rumor." The burden is on him to prove it to be a rumor. Why, Mr. Speaker, why does the administration so violently oppose an investigation? Is there any objection to having Lieutenant Commander Kramer testify before a committee of Congress?

To support specifically the claim that an advance notice

fore the House of Representatives sworn testimony on the subject, which, it is to be noted, did not sustain the particular charge made by Mr. Harness:

The distinguished gentleman contends that the stories which have been circulating about Pearl Harbor are false. He claims, for example, that there is no truth in the statements made by the gentleman from Indiana that Australia knew well in advance of the Japanese attack that such an attack was to be made on December 7.

Let me read to my friend and colleague an affidavit executed by Mr. Sidney C. Graves, a reliable citizen residing in the District of Columbia, who was present at a dinner when the Australian Minister to the United States, Sir Owen Dixon, stated that Australia knew about the coming attack. Is it perhaps not without significance, Mr. Speaker, that Sir Owen Dixon has been recalled to Australia? Has he been guilty of telling the truth?

I now read the affidavit:

To Whom It May Concern:

On December 7, 1943, I attended a dinner in Washington. Among those present were Sir Owen Dixon, then serving as Australian Minister to the United States on duty here in Washington, Senator Homer Ferguson, Mr. Frank C. Hanighen, 1737 H Street NW., Washington, D.C., and others whom I do not remember.

After the dinner the Australian Minister stated to myself and the others mentioned above in substance, as follows:

Shortly after the outbreak of war in 1939, I left my judgeship to assume control of coastal shipping in Australian waters. About 72 hours before Pearl Harbor, I received a flash warning from my naval intelligence that a Japanese task force was at sea and Australia should prepare for an attack; 24 hours later this was further confirmed with a later opinion of intelligence that the task force was apparently not aimed at Australian waters and perhaps was directed against some American possession. Finally, on December 7, 1941, my intelligence stated "We are saved, America is in the war, Pearl Harbor has been bombed."

The Australian Minister was questioned by one of the guests

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I certify that the above is a substance of the statement made by Sir Owen Dixon on the aforesaid date.

SIDNEY C. GRAVES
Washington, D.C.

*DISTRICT OF COLUMBIA,
Washington, D.C. ss:*

Sworn to before me a notary public this 21st day of
September

[Notarial seal] EDNA W. HERBERT,
Notary Public Washington, D.C.

Mr. McCormack. There is nothing in that affidavit which states that our Government was notified. Is that correct?

Mr. Church. That is correct.

But the gentleman said nothing in his speech with regard to the message being delivered to the White House. I have given him the name and rank of the naval officer who delivered the message, the time delivered, and his interpretation of it.

In reply to another inquiry from Mr. McCormack, Mr. Church gave his reasons for believing that the issue should be and could be cleared up soon without injury to war needs and war unity:

Mr. McCormack. Will the gentleman read what I said about our War, Navy, and State Departments?

Mr. Church. That is simply the statement of interested parties. There are others who have a contrary opinion. What is the truth? What are the real facts? That is all the American people ask. They want to know, not from me nor from the distinguished gentleman from Massachusetts, what may be our respective ideas on the Pearl Harbor catastrophe; but they want to know the facts upon which they may form their own opinion as to who should be held responsible for the Japanese success in surprising our forces at Pearl Harbor.

If what the distinguished gentleman has said is correct, an impartial investigation made by a committee of Congress will factually sustain him in his views. Such an investigation will stop the stories and rumors he alleges to be false, if false they are. Let me remind the majority leader that one of the

rumors and stories concerning Pearl Harbor, about which he bit terly complained today, is the fact that the administration he represents has taken such pains to prevent a public investigation. Those who oppose an investigation of their acts and deeds are not above suspicion. If the majority leader is correct in his contentions, then the administration he represents has everything to gain and nothing whatsoever to lose by seeing that the facts pertaining to Pearl Harbor are brought to light by an investigation in which the people have confidence.

It has been almost 3 years since Pearl Harbor, but Admiral Kimmel and General Short have never been given so much as the opportunity to defend themselves. The American people want to know why the delay. The administration first answered that to hold a court martial would reveal to the enemy the extent of the damage at Pearl Harbor and reveal valuable military information. But the Pearl Harbor incident was 3 years ago. The damage done has been repaired and the whole military and naval situation has changed. The administration now argues that the court martial of Admiral Kimmel and General Short would necessitate bringing back to the United States military and naval leaders needed in the theaters of operations. That argument will not stand analysis. It is not even an argument, it is an excuse. But even assuming its validity, what legitimate reason is there for not having a congressional investigation? Such an investigation need not concern itself with military and naval details, the technicalities of military and naval operations, but will serve a real purpose if it looks into the controversial question as to the extent of the knowledge in Washington and at Pearl Harbor of the imminent attack on Pearl Harbor. It will serve a great purpose if it resolves these many questions in the minds of our people.

Although the Democratic majority leader appeared willing to let the troublesome business rest, President Roosevelt was moved to make a public statement on the issue of advance notice from the Australian Government. A press report of this statement ran as follows:¹⁹

Anyone who has information that this government knew 72 hours in advance of the Pearl Harbor attack that a Japanese task

was steaming toward the Hawaiian Islands should submit that information to the military boards now investigating the Pearl Harbor case, President Roosevelt said today.

He told a news conference that there would be lots of things like that—referring to charges that information about the Jap naval activity had been submitted to this government in advance of the attack—circulating day and night from now until Nov. 7 [election day].

Asked if he intended to order courtmartial trials at any time soon for Army and Navy leaders at Pearl Harbor at the time of the attack, Mr. Roosevelt replied that there were two committees or boards working on that now and that it would be just as well to wait to hear from them. He referred to the Army and Navy boards which are investigating all circumstances surrounding the attack.

Meanwhile, Secretary of State Cordell Hull revealed that Australian Minister Sir Owen Dixon had denied to the State Department that he had any advance information the Japs planned to attack American territory. Sir Owen previously had denied to reporters that he had any such information, as was charged in the House yesterday by Representative Ralph E. Church (R., Ill.).

Sir Owen, who is departing to take a seat on the Australian Court, was drawn into the running Pearl Harbor debate between Republicans and Democrats when Mr. Church read to the House an affidavit quoting Sir Owen as saying he had advance information of Jap plans to attack.

During the months immediately preceding the election, Washington buzzed with conversations about responsibility for Pearl Harbor and about probable action by directors of the Republican campaign in springing secret information that would put the onus squarely on President Roosevelt, then seeking reelection on his record. In the *United States News* of August 24, 1944, David Lawrence, a veteran news hunter in Washington, described at length the background and strategy of the conflict between Democrats and Republicans with reference to the ticklish subject:

WASHINGTON August 24 1944 —Maybe SENATOR

has unwittingly done the Nation a service by bringing on at this time a discussion of the true responsibility for the tragedy of Pearl Harbor—something that has been concealed from the public now for more than 2 % years.

When SENATOR TRUMAN wrote his article for Collier's magazine and made certain charges against Admiral Kimmel and General Short, he was obviously speaking with a background of confidential information obtained in his position as a member of the Senate committee investigating the war effort. Admiral Kimmel has indignantly denied the charges and innuendoes in a public letter but the Missouri Senator insists that when the court-martial proceedings are held his charges in the article will be correct.

This raises at once the question of why the court martial has been delayed and what reason SENATOR TRUMAN had for taking the initiative in airing in a magazine article something that the Roosevelt administration has thus far so effectively kept from the public by postponing the court-martial proceedings again and again.

The official reason given for the delay is that it would be prejudicial to the war effort to try the case now. But the Republicans in the Senate also have been in possession of certain information about it and succeeded recently in forcing an Army-Navy board to begin an inquiry on what happened at Pearl Harbor. These proceedings, however, are secret and conclusions reached will not be available till after the Presidential campaign.

Meanwhile, Governor Thomas E. Dewey, Republican Presidential nominee, who has a bit of experience in prosecutions, might decide to try the case in public. Certainly SENATOR TRUMAN has given him the cue.

For a long time Army and Navy officers, retired and otherwise, have been gossiping about the Pearl Harbor tragedy and have been asking many questions, as for instance:

1. Why were all our battleships in harbor in Hawaii on December 7, 1941, instead of out at sea, and who in Washington gave the orders to keep them there, especially at a time of tension in the relations between Japan and the United States?

2. What admiral recommended that the ships be sent from Hawaii and what happened to the admiral who made such a recommendation, and was he relieved of his command at his

3. Why, in view of the tense relations between Japan and the United States after the November 26 note was sent to Japan by the State Department and prior to December 7, were no mobilization orders sent to the fleet by Admiral Stark, then Chief of Naval Operations, thus putting the fleet on a war basis?

4. Why was the report of Justice Roberts confined wholly and specifically to circumstances and events happening in Hawaii, and why were the official acts of commission or omission at Washington in the War and Navy Departments excluded from the scope of the Roberts inquiry, so that the public got only part of the story?

There are many other collateral questions which a congressional inquiry rather than a court martial could get at.

Inasmuch as President Roosevelt is running for reelection on the argument that he has been Commander in Chief of the armed services "for more than 11 years," as he expressed it in his letter to Chairman Hannegan, of the Democratic National Committee, the Republicans feel they have a right to pin the responsibility for Pearl Harbor on the Commander in Chief who knew all the facts about our relations with Japan and was in a position to order the mobilization of the fleet or else to send it away from Pearl Harbor. The American people, including the mothers and fathers of the more than 3,000 boys who were killed at Pearl Harbor, are entitled now to all the facts that SENATOR TRUMAN had when he wrote his magazine article and to all other facts that bear on the tragedy.

One point congressional investigators of Pearl Harbor want cleared up is why President Roosevelt, as Commander in Chief, relieved Admiral James O. Richardson as Chief of Naval Operations, after 1 year instead of the normal 2 years of service, following Admiral Richardson's protest against concentration of the United States Fleet in Pearl Harbor on the ground that this concentration was dangerous and offered the Japanese an opportunity to destroy much of the Navy at a single blow.²⁰

Mr. Lawrence's statement that Governor Thomas Dewey, the Republican candidate for President, might decide to try the case of Pearl Harbor in public, had some foundation in collateral rumors. If these rumors were to

of Republicans; these documents completely demolished the Roberts Report and the Administration's thesis as to responsibility for the disaster on December 7, 1941; they had been or were to be turned over to Governor Dewey, with the hope or expectation that he would use them to demonstrate the duplicity and incompetence of President Roosevelt in the management of foreign affairs prior to and after Pearl Harbor. Whatever may have been the truth of the business, however, Governor Dewey, for some reason, did not make use of such inside information during his campaign.²¹

Writing on Governor Dewey's dilemma, after the campaign was over, Arthur Krock in his column for the *New York Times*, December 5, 1944, confirmed the reports afloat as early as August of that year:

... as Governor Dewey discovered during the recent Presidential campaign, this [getting the facts relative to Pearl Harbor] is almost a hopeless enterprise in time of war. He had other experiences to prove how great is the handicap of candidacy against an incumbent of the White House in the midst of desperate and dubious battle, when no citizen worthy of his birthright can imperil the security of the armed services or success against the enemy by revelations which the High Command asserts are likely to do both. But Mr. Dewey's decision to keep Pearl Harbor out of the campaign in so far as he was concerned was the best illustration of that handicap.

It is reported that to the Republican nominee were brought what were represented to be facts about Pearl Harbor which would, if published and *sustained*, have had these effects: they would have laid the primary blame for the fatal concentration of naval and air units, and for the surprise element which swelled the disaster to heavy proportions, to high places in Washington. They

21. Governor Dewey's reason may have been the secret protest presented to him by General Marshall, Chief of Staff, in September, 1944, based on the alleged necessity of preserving certain war secrets in the national interest. General Marshall's first letter to Governor Dewey, dated September 25, 1944, opened: "I am writing you without the knowledge of any other person except Admiral King (who concurs) because we are approaching a grave dilemma in the political reactions of Congress regarding Pearl Harbor." General Marshall's account of his negotiations with Governor Dewey—which furnishes basic materials for a study of the relations of war and the armed forces to politics—is to be found in the Hearings of the Congressional Committee on Pearl Harbor, December 6, 1945, Part

would have further explained why Secretary Hull's two explicit warnings of imminent Japanese attack "simultaneously and at all points in the Pacific" were ineffective, although he delivered them in the presence of War and Navy authorities and well in advance of the raids on Pearl Harbor and the Philippines. They would have tended to silence hereafter the excuse that Japanese "treachery" instead of high official policy was the cause of that unpreparedness for air attack which accounted for the degree of the

But the explanation, offered to Mr. Dewey, is said to included a certain statement which high military authority asserts still to be unknown to the Japanese. And this information, it is also contended in the same quarters, has since been most service able in the prosecution of the Pacific war and will continue to be. Since no case against even higher authorities could have been documented without this evidence, and since Mr. Dewey was informed that to produce it would have been to invite a charge of imperiling security and the prospects of the Pacific war, the issue was left out of the campaign.

The account above was given to this correspondent by very responsible persons who he has reason to believe are stating the facts as they understand them. He has no information to support their view that the high military officials who bar publication of this evidence on security grounds agree that it would fully explain the surprise at Pearl Harbor, and establish the culpability of Washington personages not thus far involved in responsibility. But there seems to be no doubt the publication would have been assailed by them as lending aid to the enemy.

While charges and countercharges as to responsibility for Pearl Harbor were being exchanged, in September and October, 1944, news came out that the cloud of guilt which had long been hanging over Admiral Kimmel and General Short was soon to be dispelled, despite the Roberts Report and every thing else that had been said and done in their case. On October 3, 1944, a special writer learned from "Navy circles" that the Navy board had about completed its investigation and would soon report that it had unearthed no evidence that warranted the filing of charges against Admiral Kimmel. From "Army" sources

board would report a similar conclusion in respect of the charges against General Short.²³

Mrs. Eleanor Roosevelt added some tinder to the Republican fire on October 8, 1944. In a special article entitled "Just a Little Job," based on an interview with Mrs. Roosevelt about her experiences as First Lady of the Land, the following statement from her about the "surprise" in connection with the Japanese attack on December 7, 1941, appeared in the *New York Times Magazine* Section of October 8, 1944, pp. 40-41:

One of the memories she [Mrs. Roosevelt] will take with her when she leaves the White House, no matter what the date of her ultimate departure, is its relatively normal atmosphere on Dec. 7, 1941. Actually, she recalls, there was only a little more commotion than usual, following receipt that morning by the President of the historic message from Pearl Harbor. Within those walls tenseness and apprehension had hung heavy for nearly a year previous, with the realization that an explosion might come in the international situation at any time.

Hence, she adds, "Dec. 7 was just like any of the later D-days to us. We clustered at the radio and waited for more details—but it was far from the shock it proved to the country in general. We had expected something of the sort for a long time."

Time passed and yet there was no sign of any report from the Army and Navy boards engaged in the new investigation of Pearl Harbor; and some political leaders were restless over the delay. About the middle of October, 1944, John W. Bricker, Republican candidate for Vice President, accused President Roosevelt of intending to conceal "the black story of Pearl Harbor" until after the election.²⁴ Speaking at St. Paul, October 19, Melvin J. Maas, Republican member of Congress from Minnesota, demanded the publication of the Navy Report on Pearl Harbor, and charged the Roosevelt

23. *New York Herald Tribune*, October 4, 1944. This is one among many illustrations of the interesting fact that ingenious journalists often unearth the truth about inside business in Washington days, months, or years before it is made public officially. Although, as students of history have learned from experience, the

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Administration with the intention of holding back the report until after the election. Mr. Maas also asserted that high officials in Washington had news of the coming Japanese attack six hours in advance and had sent a message to the Hawaiian commanders by commercial telegraph, too late. Mr. Maas added a sidelight by declaring that Justice Owen J. Roberts, after closing the hearings in Hawaii, had congratulated Admiral Kimmel on his conduct on the fateful day of December 7, 1941, and had said to the Admiral: "I am glad that you are in the clear"—thus giving an apparent confirmation to what had been intimated in Congress, namely, that the Roberts Report was at bottom an *ex-parte* document.²⁵

After accounts of Mr. Maas' charges had come out in the press, President Roosevelt declared at a press conference that "he knew nothing about" the claim that the Navy Report would be withheld until after the election. A reporter put to him a question relative to Mr. Maas' call upon him to deny that the Administration had advance notice of the Japanese attack "hours" in advance, and had failed to notify the Hawaiian commanders promptly. On this point "Mr. Roosevelt said he knew nothing about it."²⁶

At all events, the reports of the Army and Navy boards were withheld from the public until after the election day in November, 1944, although they had been filed with the Secretary of War and the Secretary of the Navy respectively about two weeks before that day. Not until December 1, 1944, did the two Secretaries make public statements with regard to the findings of the boards and not until August 29, 1945, were the main parts of their reports laid before the country for examination.²⁷

Note to Chapter X

The first indisputable evidence that President Roosevelt had initiated an exchange of messages with Mr. Churchill at least as

early as September, 1939, while Mr. Churchill was first Lord of the British Admiralty, and that the exchanges had continued until the President's death in April, 1945, became public in April, 1945. This indisputable evidence was revealed by Mr. Churchill himself in his eloquent tribute to President Roosevelt at the great memorial meeting held in London. The opening passages of this address as given in the *London Times*, April 18, 1945, follow: *28

My friendship with the great man to whose work and fame we pay our tribute today began and ripened during this war. I had met him, but only for a few minutes, after the close of the last war, and as soon as I went to the Admiralty in September, 1939, he telegraphed, inviting me to correspond with him direct on naval or other matters if at any time I felt inclined. Having obtained the permission of the Prime Minister, I did so. Knowing President Roosevelt's keen interest in sea warfare I furnished him with a stream of information about our naval affairs and about the various actions, including especially the action of the Plate River, which lighted the first gloomy winter of the war.

When I became Prime Minister and the war broke out in all its

hideous fury, when our own life and survival hung in the balance, I was already in a position to telegraph to the President on terms of association which had become most intimate and, to me, most agreeable. This continued throughout all the ups and downs of the world struggle until Thursday last when I received my last message from him. These messages showed no falling off in his accustomed clear vision and vigour upon perplexing and complicated matters.

I may mention that this correspondence which, of course, greatly increased after the United States entry into the war, comprises, to and fro between us, over 1,700 messages. Many of these were lengthy messages, and the majority dealt with those more difficult points which come to be discussed upon the level between heads of Governments only after official solutions had not been reached at other

political reasons for withholding official information respecting the two reports until after the election of 1944 was safely over.

28. There are certain discrepancies in Mr. Churchill's address as reported in the *Manchester Guardian*, the *New York Times*, and the *New York Herald Tribune*. One of the most significant bore on the line, "About that same time he devised the extraordinary measure of assistance called Lend-Lease." Mr. Churchill undoubtedly, it seems, used the word "he" or the words "the President" (*Manchester Guardian* April 18, 1945); but the *New York Times* April 18, 1945 gave

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stages. To this correspondence there must be added our nine meetings—at Argentia, three in Washington, Casablanca, Teheran, two at Quebec, and, last of all, at Yalta, comprising in all about 120 days of close personal contact, during a great part of which I stayed with him at the White House or at his home at Hyde Park, or in his retreat in the Blue Mountains which he called Shangri-la.

I conceived an admiration for him as a statesman, as a man of affairs, and as a war leader. I felt the utmost confidence in his upright, inspiring character and outlook—and a personal regard—affection, I must say—for him beyond my power to express today. His love of his own country, his respect for its constitution, his power of gauging the tides and currents of its mobile public opinion—all this was evident, but added to this were the beatings of that generous heart, which was always stirred to anger and stirred to action by spectacles of aggression and oppression by the strong against the weak. It is a loss indeed, a bitter loss, to humanity that those heart-beats are stilled forever. . . .

With the text of Mr. Churchill's address and other materials (including transcripts of the parliamentary debates) bearing on the subject of the messages exchanged with President Roosevelt before me, and desirous of learning more about the methods of the American State Department in dealing with citizens who ask for information relative to the conduct of the nation's foreign affairs, I directed on August 27, 1945, the following letter to the Secretary of State:

New Milford, Conn., August 27, 1945.

My dear Sir:

For several years I have been studying the *methods* employed by the Government of the United States in conducting foreign affairs. In the course of my inquiry I have come across the allegation that President Roosevelt entered into personal communications with Mr. Winston Churchill in the autumn of 1939, before Mr. Churchill became Prime Minister, and exchanged many messages with him, while Mr. Chamberlain was the head of the British Government (C072-*gressional Record*, June 19, 1944).

I have examined with care the State Department's release to the press on the Tyler Kent case, September 2, 1944, and I find in it no denial that such an exchange of messages took place between the President and Mr. Churchill during the period mentioned (September, 1939, and May, 1940).

If it is compatible with the public interest, I should be grateful if you will answer two questions that have arisen in my mind:

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1. Did President Roosevelt exchange messages with Mr. Churchill between September, 1939 and May, 1940?

2. If so, is it not unusual for the President of the United States to exchange such messages with a member of a foreign government who is not the head of that government or in charge of foreign affairs for that government?

Thanking you in advance for your consideration, I am,

Faithfully yours,

Charles A. Beard

Presumably, the State Department, if properly informed on such matters of current public interest, was aware of Mr. Churchill's own public statement that the messages in question had in fact been exchanged. But in replying to my letter, the Assistant Secretary, William Benton, with perfect courtesy, avoided answering both of my questions. Here is the text of his letter:

DEPARTMENT OF STATE
WASHINGTON

October 19, 1945

My dear Dr. Beard:

I regret very much that your letter of August 27, 1945, concerning the allegation that President Roosevelt entered into personal communications with Mr. Winston Churchill in the autumn of 1939, has not been replied to before this time.

The Department has been endeavoring to obtain the information which would be of assistance to you. The late President's papers were removed from the White House and impounded immediately after his death. It is my understanding that President Roosevelt's papers are to be made available to the Congressional Committee answers to your question may become available.

Sincerely yours,

William Benton
Assistant Secretary

Charles A. Beard, LL.D.,²⁹
New Milford,
Connecticut.

29. This honorific title, which I did not use in my letter to the State Department, was added by Mr. Benton. Perhaps the Assistant Secretary had my name looked up in *Who's Who* and added this decoration as befitting the tenor of his letter.

CHAPTER XI

✓ AFTER the election of 1944 was over, the Secretary of War and the Secretary of the Navy faced the problem of what to do about the reports of the Army and Navy boards appointed under the Act of Congress in the previous June; for the press had disseminated, during the campaign, news to the effect that the two boards had reported to the Secretaries in October and had exonerated the Hawaiian commanders from the grave charges of the President's Commission headed by Justice Roberts. At length, on December 1, 1944, Secretary Stimson and Secretary Forrestal broke their silence by issuing brief statements to the press on this subject. These statements were, to say the least, startling to citizens who had accepted the Roberts Report of January 23, 1942, as valid. What did the statements of the two Secretaries contain?

Terse mention of the ways in which the Army and Navy boards' inquiries had been conducted. Assurances that the principal documents in the case must still remain secret, on account of "relation to national security." Declarations that the evidence produced by the boards did not justify a trial of anybody by court-martial. Secretary Stimson's formula was: "Under all the circumstances the evidence now recorded does not warrant the institution of any further proceedings against any officer in the Army." Secretary Forrestal's formula was: "The evidence now available does not warrant and will not support the trial by general court martial of any person or persons in the naval service." Secretary Forrestal did not mention Admiral Kimmel by name in his statement. Secretary Stimson made some criticism of General Short's operations at Hawaii but added that the

The passages from Secretary Stimson's statement of December 1, 1944, bearing on the point of Army responsibility follow:

The Army Pearl Harbor Board, although it recommended no disciplinary or other action, concluded that *there were several officers in the War Department who did not perform their duties with the necessary skill or exercise the judgment which was required under the circumstances. On the recorded evidence, I agree with some but not all of the board's conclusions.*

So far as the commanding general of the Hawaiian Department is concerned, *I am of the opinion that his errors of judgment were of such a nature as to demand his relief from a command status.* This was done on Jan. 11, 1942, and in itself is a serious result for any officer with a long record of excellent service, and conscientious as I believe General Short to be. *In my judgment on the evidence now recorded, it is sufficient action.*

Furthermore, I am satisfied that proper steps were taken to correct such inadequacies of either personnel or organization as were shown to exist either in the War Department or in the field at the time of the Pearl Harbor disaster. *My conclusion is that under all the circumstances the evidence now recorded does not warrant the institution of any further proceedings against any officer in the Army.*¹

For the Department of the Navy, Secretary Forrester spoke on the subject of Navy responsibility as follows:

The net result of the findings of fact and opinion of the Pearl Harbor Court of Inquiry, as reviewed by the Judge Advocate General of the Navy, and the Commander in Chief, U.S. Fleet, and Chief of Naval Operations, and by the Secretary of the Navy, is that the evidence now available does not warrant and will not support the trial by general court martial of any person or persons in the naval service.

The Secretary, in his findings upon the evidence before the Court of Inquiry and all the other proceedings in the matter to date, *has found that there were errors of judgment on the part of certain officers in the naval service, both at Pearl Harbor and at Washington.*

1. *New York Times*, December 2, 1944. (Italics supplied.)

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The Secretary *is not satisfied that the investigation has gone to the point of exhaustion of all possible evidence. Accordingly, he has decided that his own investigation should be further continued until the testimony of every witness in possession of material facts can be obtained and all possible evidence exhausted.*²

Since, however, the two Secretaries referred to continuation of investigations, their statements of December 1 left various issues hanging in mid-air. What was the status of Admiral Kimmel and General Short on and after December 1, 1944? Charles B. Rugg, counsel for Admiral Kimmel declared, "the statement of Secretary of the Navy Forrestal means that Admiral Kimmel has been cleared."³ General Short, in response to an inquiry, said that out of a sense of loyalty to our country he had refrained from making any statement about Pearl Harbor, that in the interest of national security he was prevented from stating his position at the moment, and that "when the entire story is unfolded, I am certain of complete vindication in the eyes of the American people." But what was the official position? The *New York Times* reported: "At both The Pentagon and the Navy Department, officers protested against statements that General Short and Admiral Kimmel had been 'absolved,' the fact actually being, they said, that nothing had been found to justify the court-martial."⁴

Comments by members of Congress on the Secretaries' statements varied. Senator Ferguson demanded—in vain — that the evidence collected be submitted to Congress. Representative May, chairman of the House Military Affairs Committee, and a steadfast supporter of the Roosevelt Administration, opposed such action and said that as far as he was concerned, "the Army-Navy decision ended the matter." Senator Connally, chairman of the Foreign Relations Committee declared: "I have always felt that the Army and Navy com-

2. *Ibid.* (Italics supplied.)

3. Comments on the Secretaries' reports given here are from the *New York Times* of December 2, 1944.

4. This statement from official quarters appears in a copy of the *Times* of

manders in Hawaii were negligent in not taking measures to detect and prepare to repel the attack on Pearl Harbor.” Representative Sumners, of the House Judiciary Committee, called for a renewed extension of the statute of limitations for Pearl Harbor courts-martial, thus indicating dissatisfaction with the present state of affairs. Representative Hancock, ranking Republican member of the House Judiciary Committee, expressed the opinion that the people would never be satisfied until there was a congressional investigation of Pearl Harbor. Senator Edwin Johnson, Democratic member of the Senate Military Affairs Committee, insisted that there was a contradiction between the Army-Navy reports and the Roberts Report and said that “they ought to tell us who was responsible for the disaster at Pearl Harbor.”

In his column in the *New York Times* of December 5, 1944, Arthur Krock reviewed the situation as to responsibility for Pearl Harbor under the caption: “Unsatisfactory Status of Pearl Harbor Case.” Mr. Krock, in opening, remarked that there was a fundamental conflict between the Report of the Roberts Commission and the recent reports from the War and Navy Departments. He then dwelt upon the confusion that resulted from this contradiction, and expressed the opinion that, unless the conflict was overcome as a result of additional investigations under the direction of Secretary Stimson and Secretary Forrestal, Congress could be expected to “try to find out the facts for the public and itself.”

After the outburst of discussion that greeted the cautious statements by Secretary Stimson and Secretary Forrestal respecting the secret reports of the Army and Navy boards, public interest in the possibility of revelations to come seemed to decline from the high peak reached during the presidential campaign. The rising tempo of the war on all fronts and the concentration of national energies on the armed conflict were too

the Hearst press, often brought the issue to the attention of their readers throughout the period. Moreover, the reports that the Administration's indictments of General Short and Admiral Kimmel in January and February, 1942, were already quashed continued in circulation and aroused wide spread curiosity about what might be found in the secret pages of the Army and Navy boards' reports.

Great events contributed to a rekindling of public interest in war origins as the autumn of 1945 drew near. The death of President Roosevelt in April, the unconditional surrender of Germany in May, and the collapse of Japan in August released many restraints on differences of opinion in the country. Friends of General Short and Admiral Kimmel now argued that, since the war was at an end, grounds of national safety could no longer be properly used in delaying the public hearings which had been denied to them since their arraignment in January, 1942; and, indeed, the American sense of fair play, manifest in Congress and outside, demanded that at last the two officers be given opportunities to state their sides of their cases publicly.

But the Administration, the War Department, and the Navy Department knew privately that their competent lawyers had gone on record as contending that the charge of dereliction of duty filed by the Roberts Commission against the commanders could not be sustained. Secretary Stimson had publicly admitted as much with regard to General Short on December 1, 1944; and Secretary Forrester had practically conceded the point as far as Admiral Kimmel was concerned. Leaders of the Democratic party knew that the Army and Navy boards' reports were full of "political dynamite," which, if set off, would produce a great uproar over war origins. A few Democrats in high places maintained that the people should "forget Pearl Harbor," but most Democratic members of Congress did not share that view or at least

RELEASE OF THE ARMY AND NAVY REPORTS

Early in August, 1945, as the Japanese war lords staggered toward their doom, the demand for action in the Pearl Harbor case became insistent, if not irresistible, and rumors were current to the effect that President Truman would soon release to the public the reports of the Army and Navy boards. In his column of August 20, in the *New York Daily News*, John O'Donnell announced that, "within the week, possibly within a few days," President Truman would give out "the true story" of Pearl Harbor and that the reports of the Army and Navy boards were being placed in the hands of the chairmen of the appropriate committees in the Senate. Mr. O'Donnell also stated that Justice Owen J. Roberts, chairman of the President's Commission on Pearl Harbor, had visited the White House on August 20, and interpreted this visit as having a connection with the probable action of President Truman with regard to forthcoming Pearl Harbor revelations.

At one o'clock, August 29, President Truman did in fact release to the public two sets of Pearl Harbor documents. The first consisted of the Report of the Army Pearl Harbor Board (with one section omitted),⁵ accompanied by a memorandum from Secretary Stimson, taking exceptions to parts of the board's Report. The second set of documents embraced the Report of the Navy Court of Inquiry and "endorsements," or comments, from the Judge Advocate General, Rear Admiral Gatch, from Admiral King, Chief of Naval Operations, and from James Forrestal, Secretary of the Navy. All the documents were in mimeograph form and filled about four hundred typewritten pages. Newspaper correspondents present rushed to the high pile of documents on the table before them and with copies in hand dashed from the White House to spread the news throughout the land.

5. This section (Chap. V) was released by the War Department after the Congressional Committee on Pearl Harbor had been established. Captain "Tex

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The statement by President Truman in releasing the documents follows:

I have here reports on the Pearl Harbor disaster. One is from the Army and one is from the Navy. The Navy report gives a "Finding of Facts" by a Navy Court of Inquiry. Attached to this Finding of Facts are indorsements by the Judge Advocate General of the Navy, Rear Admiral T. L. Gatch; Admiral E. J. King, Chief of Naval Operations, and the Secretary of the Navy. You will find a summation of the findings in the final indorsement by the Secretary of the Navy at the end of the document.

From the Army we have the report of the Army Pearl Harbor Board, and, bound separately, a statement by the Secretary of War. Certain criticisms of the Chief of Staff, General Marshall, appear in the report of the Army Pearl Harbor Board. You will notice in the Secretary's statement, beginning on page nineteen, that he takes sharp issue with this criticism of General Marshall, stating that the criticism "is entirely unjustified." The conclusion of the Secretary of War is that General Marshall acted through out this matter with his usual "great skill, energy and efficiency." I associate myself wholeheartedly with this expression by the Secretary of War.

Indeed I have the fullest confidence in the skill, energy and efficiency of all our war leaders, both Army and Navy.

The headlines of the newspapers indicated the emphasis given to the reports by the respective news editors. The *New York Sun* on the evening of that date, August 29, blazed across the front page in letters an inch high, "Pearl Harbor Report Criticizes Marshall; Truman Defends Him." The next morning the *New York Times* carried on its front page the headline: "Army, Navy Report on Pearl Harbor; Marshall, Hull and Stark Censured." The story also made the front page of the *New York Herald Tribune*: "Pearl Harbor Reports Broaden the Blame, Marshall and Hull Are Included in the Criticism." General Marshall, Admiral Stark, and Secretary Hull had been explicitly absolved from blame in the report of the President's Commission in January, 1942; now top authorities in Washington had sprung into the headlines

other, the issue of responsibility for Pearl Harbor had entered a new phase: the official thesis of how war came in the Pacific had been radically altered, if not reversed, by boards representing the Army and the Navy—the armed forces of the United States. Politicos had been brought to book by men of arms. If the newspaper headlines and the amount of column space given to the Army and Navy reports may be taken as the criteria, the country was profoundly disturbed by the revelations and charges.

Evidently President Truman was shaken by the repercussions. While he defended General Marshall when he released the reports and expressed faith in the Army and the Navy, he gave at that moment no intimation of seeing in the reports any “political angles.” In fact, he had not read

the documents before he gave them to the press.⁶

By some process, however, President Truman quickly learned that the Army and Navy reports contained information and political implications that traversed the official thesis set forth by officials in charge of affairs in Washington before and after Pearl Harbor. The very next day after he had released the reports, August 30, 1945, he took the extraordinary step of holding a “press and radio conference” on the subject. At this conference he declared that Pearl Harbor was “the result of the policy which the country itself pursued,” and that every time President Roosevelt had made an effort to get a preparedness program through Congress, it had been stifled. Thus he mentioned the President in connection with Pearl Harbor, attacked Congress, and shifted the onus from high officials in the Executive Department, including President Roosevelt, to the American people and their representatives in the national legislature.

6. *New York Times*, August 31, pp. 1, 6. Here too is to be found President Truman’s admission that as Senator he had made a mistake a year previously when he had intimated in *Collier’s* weekly that Admiral Kimmel and General Short were not on speaking terms. Evidently he had been mistaken when he had declared, in reply to Admiral Kimmel, that he had evidence to prove his charges. See above, p. 275.

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he made them public the previous day but now a day later he claimed that in the meantime he had read them “very carefully.” Considering the bulk of the two documents and the highly technical matters discussed in them, this “careful” reading on the part of the President in so short a time was certainly an intellectual feat. In any event he easily caught the political drift of the reports and the conclusions, and swiftly formulated a countercharge which exonerated President Roosevelt and his high officials.

President Truman’s statement of August 30, 1945, follows:

I have read it (the Pearl Harbor reports) very carefully, and I came to the conclusion that the whole thing is the result of the policy which the country itself pursued. The country was not ready for preparedness. Every time the President made an effort to get a preparedness program through the Congress, it was stifled. Whenever the President made a statement about the necessity of preparedness, he was vilified for doing it. I think the country is as much to blame as any individual in this final situation that developed in Pearl Harbor.

ACCUSATIONS IN THE REPORTS

The Army and Navy reports released on August 29, 1945, although unaccompanied by the hundreds of pages of testimony and documents on which they rested, evoked alarms among faithful Democrats who had been clinging to the official thesis on how war came in the Pacific. There could be differences of opinion as to the meaning and upshot of various passages and conclusions contained in the reports but certain indisputable items stood out in the record now laid before the American people.

First of all, the Army and Navy boards traversed the grave indictment lodged against General Short and Admiral Kimmel by the President’s Commission in January, 1942, and by the Administration later, in retiring the two commanders—the indictment which charged these men with derelictions of duty and failures to act which were “the effective causes” of

the disaster at Pearl Harbor—offenses warranting trials by courts-martial.⁷ The Army board found that General Short had failed to take proper steps in enumerated particulars but, with regard to any procedure against him or any other person, it stated: “Recommendations: NONE.” The Navy Court of Inquiry, in respect of Admiral Kimmel and other naval officers said: “Finally, based upon the facts established, the Court is of the opinion that no offences have been committed nor serious blame incurred on the part of any person or persons in the naval service. The Court recommends that no further proceedings be had in the matter.”

American citizens could, therefore, legitimately ask: Why had General Short and Admiral Kimmel been publicly arraigned in January and February, 1942, and kept as if under indictment for more than three years and six months?

In the second place, and this was more adverse to the official thesis of war origins in the Pacific, the Army and Navy boards reversed the tables and brought charges against, and raised grave questions respecting the performances of, certain high authorities in Washington who had been expressly exonerated by name in the report of President Roosevelt’s Commission in January, 1942.

The Roberts Commission had declared that the Chief of Naval Operations, Admiral Stark, had fulfilled his obligations in the warnings and orders sent to Admiral Kimmel.⁸ Now, in its Report, completed on October 19, 1944, and released on August 29, 1945, the Navy Court of Inquiry said that Admiral Stark had, in fact, “failed to display the sound judgment expected of him,” in not transmitting to Admiral Kimmel in 1941 important information, including information to the effect “that an attack in the Hawaiian area might be expected soon.”

The Roberts Commission had declared in January, 1942, that the Secretary of War and the Chief of Staff had

their obligations in respect of preparedness at Pearl Harbor. Now the public could discover that the Army board in its Report, signed October 20, 1944, and released August 29, 1945, had rendered a different judgment. It had declared that "the extent of the Pearl Harbor disaster was due primarily to two causes." It placed first the failure of General Short adequately to alert his command for war; but it immediately coupled with this the second "cause" which, for practical purposes, canceled the first "cause." The second cause, the Army board said, was: "The failure of the War Department, with knowledge of the type of alert taken by the Commanding General, Hawaiian Department, to direct him to take an adequate alert, and the failure to keep him adequately informed as to the development of the United States-Japanese negotiations, which in turn might have caused him to change from the inadequate alert to an adequate one." In short, the Army board brought serious charges against the management of the War Department.

Under the head, "Responsibilities," the Army board, while enumerating particulars in which General Short had failed at Hawaii, specifically declared that "the Chief of Staff of the Army, General George C. Marshall, failed in his relations with the Hawaiian Department" in enumerated particulars. The Army board also named Major General Leonard T. Gerow, Chief of the War Plans Division, War Department General Staff, and then enumerated four particulars in which he had failed in his duties.

Under the head of "Responsibilities," the Army board also referred to the memorandum delivered by "the Secretary of State—the Honorable Cordell Hull"—to the Japanese on November 26, 1941, and then stated: "To the extent that it [this action] hastened such attack [by the Japanese] it was in conflict with the efforts of the War and Navy Departments to gain time for preparations for war."

In the third place, the Army and Navy reports, besides bringing Secretary Hull, General Marshall, General Gerow,

ment into the network of responsibilities, did more. They placed on the public record numerous facts about transactions in Washington relative to Pearl Harbor which were hitherto unknown to the American public. In this respect, the Report of the Army Board was fuller than that of the Navy Court and more direct in its accusations and implications.

The Army Board Report, although it did not mention President Roosevelt in its chapter of "Conclusions," did by implication bring him into the "chain" of responsibilities.⁹ In referring to Secretary Hull, it must have known very well that, under the statutes of the United States, the Secretary was merely an agent of the President in the conduct of foreign affairs and did not hand his memorandum of November 26, 1941, to the Japanese without authorization of the President. In the main body of its Report the Army Board gave detailed descriptions of the structure and operations of the "War Cabinet" under the direction of the President and mentioned him by name in several places as participating in crucial decisions (for example, mimeograph copy, pp. 116, 119, 121, 219, 220, 222, 224). In gross and in detail, the revelations of the Army Board Report stood in strange contrast to the descriptive pages of the Report by the President's Commission on Pearl Harbor, January 23, 1942.

In their memoranda accompanying the Army and Navy reports, the political heads of the War and Navy Departments, Secretary Stimson and Secretary Forrestal, commented on certain facts and conclusions presented in the reports. In his memorandum, Secretary Stimson reprinted passages from his statement of December 1, 1944, indicated that General Short had had enough punishment, and renewed his declaration that the evidence now recorded did not warrant the institution of "any further proceedings against any officer in the Army." But, Secretary Stimson criticized the Army Report in several aspects and warmly defended General Marshall against

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charges. On the whole, the Secretary of War did his best to keep intact the old record provided by the President's Commission on Pearl Harbor, on January 23, 1942, and in so doing wrote a new chapter in the history of his own operations in connection with the Pearl Harbor disaster from the beginning. Secretary Forrestal declared that Admiral Kimmel and Admiral Stark (both retired) should not hold any positions in the Navy which required

VARIETIES OF PRESS OPINIONS

As was to be expected, the reception accorded by the press to the releases of the Army and Navy reports on August 29, 1945, varied more or less roughly with the presuppositions of the newspaper editors. A large number of clippings of editorials taken at random from papers in widely scattered sections of the country display an extraordinary interest in the revelations, conclusions, and recommendations of the Army and Navy boards and highly conflicting opinions as to their value and significance.¹⁰ Of these editorial views three are here reprinted as representing three main types of opinion.

THE PEARL HARBOR REPORTS

Since Dec. 7, 1941, one of the most controversial subjects for public discussion has been responsibility for the naval and military disaster we suffered in the Japanese attack of that date on Pearl Harbor and other installations in the Hawaiian Islands. On the plea of military secrecy, a full report was withheld until after the completion of the war. Now, only a week after the cease-fire order and before the war with Japan is officially at an end, President Truman has made public the lengthy findings of the Army and Navy boards that were appointed to assess the responsibility. The Army board, headed by Lieut. Gen. George Grunert, finds grounds for criticism of Maj. Gen. Walter C. Short, the Hawaiian Area commander in 1941; Gen. George C. Marshall,

10. For a carefully selected collection of editorials, from which certain types of opinion highly critical in nature were omitted, see *New York Times*, August

then and now Army Chief of Staff; Lieut. Gen. Leonard T. Ge- row, former chief of war plans, and Cordell Hull, then Secretary of State. Secretary of War Stimson and the President dispute the findings as to the responsibility of General Marshall. Mr. Stimson also disputes the Army board's comments on Mr. Hull's handling of the diplomatic negotiations. The Navy board of inquiry, headed by Vice Admiral Henry K. Hewitt, finds responsibility for the complacency and lack of readiness that made the attack possible shared by Rear Admiral Husband E. Kimmell and Admiral Harold C. Stark, respectively the Pacific Fleet Commander and the Chief of Naval Operations of that date. The Army board makes no recommendations. The Navy board recommends that court-martial proceedings not be instituted on the grounds there was insufficient basis for such action.

The reports are in considerable detail—100,000 words in the Army report and 27,000 words in the Navy report. Admittedly, neither is complete. Both were prepared before the final Japanese surrender and speak of information available in Washington that was not transmitted to our commanders in the Hawaiian Islands. There probably will be a clarification later of exactly what is referred to in those passages. Otherwise the reports seem as clearly stated as it is possible to present the matter for public understanding. Because of all that has been said on the subject of the Japanese attack, much of it misleading and some of it colored by political thinking, the reports should be given the widest possible circulation and, what is more important, the most judicial study by all thinking Americans. Many probably will reach the same conclusion as some of the investigators, that Pearl Harbor is inevitable in a society where there are powerful aggressor nations and unprepared peace-loving democracies, and that it is impossible for the one to guard entirely against the hostile actions of the other. It is comforting for the future to remember that we did rally and go on from Pearl Harbor to complete victory.

Whether the record as now set forth will be acceptable to those Army and Navy commanders involved is for them to decide. If they desire open courts-martial, whether or not promises have been made to them, it would be in the

The New York Herald Tribune, August 30, 1945:

PEARL HARBOR

The exceptionally voluminous reports on the Pearl Harbor disaster obviously call for far more careful digestion than can be given to them in a few hours. A frank first impression, however, derived from the summaries and conclusions, is that they still contain a regrettably high content of policy, politics and white wash—ingredients which at this late date it seems might have been reduced to somewhat more rigid minimums.

General of the Army Marshall is an officer who has unquestionably rendered the highest possible services to the country in the last four years. It is that very fact which engenders skepticism over the haste with which Secretary Stimson and President Truman rush to defend him against certain specific criticisms leveled by the Army board. Admiral Stark, on the other hand, is given a staggering blow between the eyes, uncushioned by higher indorsement. Perhaps it is deserved; but, if so, why did the Navy Department, which now demolishes his whole professional career, retain him for three years after the fact as its commander in chief in European waters? One is not impressed by the care with which Secretary Forrestal, after commenting severely upon the “failure” at Pearl Harbor of the system of joint command, goes on to explain that this is no argument for a single service. Perhaps it is not; but that issue of Navy Department policy hardly deserves a place in this supposedly judicial finding, and it is not reassuring to find it there.

The Navy points to serious dereliction within its bureaucracy and solemnly finds that no officer was to blame and that no action should now be taken. The Army board, which conveys an impression of somewhat greater courage, names a few names. It specifically censures General Gerow, for example, then in the War Plans Division; again, however, there is no suggestion of action. General Short was summarily “broken”; General Gerow was ultimately promoted and appointed to the command of the 15th Army in Europe. The public, while it will, no doubt, be glad that it could profit by General Gerow’s abilities despite any lapse in 1941, will find it very difficult to make sense out of such

which, while conveying a vivid impression of over-all confusion, unawareness and "buck-passing" in the Army, the Navy, the State Department and the White House, have nothing to say about the President, hastily suppress an inferential criticism of the Secretary of State and leave it to be supposed that it was just an accident of fate that we were caught in December, 1941, with divided command, an inadequate intelligence service, a radar warning system at Pearl Harbor that was ineffective (the British had established their first coastal net long before 1939 and had made all their secrets available to us in 1940) and too few planes at our major naval base to fly long-distance patrol! As has been said, the reports must be examined with care before final conclusions may be drawn. One suspects, however, that the reports will never answer ethical issues as to culpability; these will have to be determined by each individual for himself; but out of the facts conveyed in this sea of words we may be able to shape military and diplomatic policies adequate to prevent a repetition of such a catastrophe.

THE NEW YORK TIMES, JANUARY 21, 1947

ROOSEVELT WAS RESPONSIBLE

Three documents, totaling 130,000 words, have been released by President Truman giving the purported facts leading up to the disaster of Pearl Harbor on December 7, 1941. The disaster cost us eight battleships, numerous planes ashore and the lives of more than 3,000 sailors, marines and soldiers. The three voluminous reports consist of findings by an Army Board of Inquiry, a Navy Court of Inquiry and an exhaustive statement by 74-year-old Secretary of War Henry L. Stimson, reading like a Supreme Court Justice's opinion in a finding for the defense. The "defendants" cleared by Stimson are former Secretary of State Cordell Hull and Gen. George C. Marshall, Chief of Staff. He concurred with the Army report making Lieut. Gen. Walter C. Short a scapegoat again as did the investigation headed by former Justice Owen J. Roberts of the Supreme Court.

The Navy Court of Inquiry, likewise following the lines of the Roberts commission, tagged another guilty count on Admiral Husband E. Kimmel, bracketing him with Short,

of naval operations at the time of Pearl Harbor. He is alleged to have neglected to do the things necessary to prevent the disaster. With Secretary of the Navy James Forrestal concurring, the Navy court recommended that neither Kimmel nor Stark should ever again be placed in posts requiring superior judgment. Both are in retirement as is also Short. Secretary of the Navy Frank Knox is dead and so cannot give his version.

With all their wordage and painstaking—if not painful—adherence “to the book,” the three documents tell the American public little it did not know or at least surmise of the obvious facts leading up to Pearl Harbor. Of course, Hull was wrong. Of course, Stimson was wrong. Of course, Marshall was wrong. They were wrong because the whole system in Washington was wrong. The whole system was wrong because it was centered in, and dominated by, one man, Franklin D. Roosevelt. He “was” the War Department, the Navy Department and the State Department.

It was Roosevelt, as we know, who was responsible for Pearl Harbor. The 130,000 words all point up that fact—some by significant inference when they have reached certain high levels of Washington officialdom, others by gratuitous defense of

F.D.R. as in the case of Stimson. The Army report itself came as near as it dared to the White House in a section summarizing “Responsibilities in Washington.” Speaking of Hull and his handling of the powder keg situation in late November of 1941, it said: “The responsibility apparently assumed by the Secretary of State (and we have no other proof that any one else assumed the responsibility finally and definitely) was to determine when the United States would reach an impasse with Japan. It was the Secretary of State who was in charge of the negotiations with the Japanese. . . . He was the contact man and the responsible negotiator.”

Hull remains silent so far as the present investigations are concerned. The 74-year-old Tennessean was probably the closest man to F.D.R. in the Roosevelt Cabinet.

Only a full dress Congressional investigation could bring Hull’s story into the open along with the necessary revelations of F.D.R.’s relationships with Hull, Stimson, Knox, etc., etc.

Harbor. A Congressional inquiry could also summon key figures of the Roosevelt secretariat.

For the good or the evil that will come out of this war—and it may take some years to assess those factors—Roosevelt, in our opinion, planned and sent us into the war. He will get the blame or the praise that follows. His big ambition was the European war—the war with Japan being subsidiary. He wanted to help Great Britain. He committed eight of our battleships to the Atlantic for convoy duty, escorting vast supplies to England and on a smaller scale to Russia. We had then a 17-battleship Navy with one battleship undergoing repairs. Roosevelt split it, thus violating a cardinal principle laid down by Admiral Mahan, great naval authority. Eight of our battleships were on duty in the Pacific, and tied up snugly in pairs like sitting ducks in Pearl Harbor when the Japs sprang their attack. If the Japs had been smart they would have landed a few divisions of troops and captured the islands.

Roosevelt exploited the role of Commander-in-Chief of the War and Navy and State Departments to the full. He continually accented the role and guided his policies accordingly. It was a one-man decision that sent us into the European war as it was a one-man decision that started Napoleon off on the invasion of Russia.

The Pearl Harbor investigations haven't yet gone high enough. The blame doesn't rest with subordinates at the level of the Marshalls, the Starks, the Shorts, the Kimmels—even the Hulls. Let us get at the facts with a complete wide open Congressional investigation.

The very mention of Secretary Hull and General Marshall in the Army Board Report was resented by their loyal supporters. With alacrity, Secretary Stimson sprang to the defense of Secretary Hull and General Marshall; the Department of State, "on orders from Secretary Byrnes," came to the aid of the former Secretary, Mr. Hull; and many Democratic newspapers joined in treating the Army board's criticism of Secretary Hull and General Marshall as a kind of out rage.

“Secretary of State” to Mr. Hull and the memorandum handed to the Japanese on November 26, 1941.¹² There the board said:

The responsibility apparently assumed by the Secretary of State (and we have no other proof that anyone else assumed the responsibility finally and definitely) was to determine when the United States would reach the impasse with Japan. It was the Secretary of State who was in charge of the negotiations with the Japanese. . . . He was the contact man and the responsible negotiator. He was doubtless aware of the fact that no action taken by him should be tantamount to a declaration of war. That responsibility rests with Congress. . . . Undoubtedly the Secretary of State had been frequently advised through the meetings of the War Council of the inadequate status of the defenses of the United States. Our Army and Navy were not ready for war, and undoubtedly the Secretary of State had been fully advised of that fact. . . . Apparently on the 26th in the morning, Mr. Hull had made up his mind not to go through with the proposals shown the day before to the Secretary of War containing the plan for the “Three Months’ Truce.” Evidently the action “to kick the whole thing over” was accomplished by presenting to the Japanese the counter proposal of the “Ten Points” which they took as an ultimatum. It was the document that touched the button that started the war, as Ambassador Grew so aptly expressed it. . . . Apparently the Secretary of War was not advised by the Secretary of State that he had handed this so-called ultimatum to the Japanese. . . . It seems well established that the sending of this “Ten Point” memorandum by the Secretary of State was used by the Japanese as the signal for starting the war by the attack on Pearl Harbor. The Japanese attacking force departed from Takan Bay on the 27-28 November for its attack on Hawaii. It also appears that the delivery of the 14-point reply of the Japanese to this memorandum was contemporaneous with the attack.¹³

As if aware that Secretary Hull’s action in presenting the memorandum to the Japanese on November 26, 1941, was a crucial performance in the history of the coming of

the Pacific, the editors of the *New York Times* were indignant over the Army board's references to the Secretary of State and, on September 1, 1945, published the following editorial entitled "The So-Called Ultimatum":

In whatever future consideration the Pearl Harbor reports receive, whether official or unofficial, it will be an excellent thing for all concerned if the word "ultimatum" is dropped, once and for all, as a description of Secretary Hull's now famous note of Nov. 26, 1941. "Ultimatum" is the term that has been used time and again in the last few days to describe this message. The official Army Board report speaks of it as "the document that touched the button that started the war." In the light of all this a visitor from Mars might be forgiven if he drew the conclusion that the Government of the United States had deliberately provoked Japan into war with a highhanded and arbitrary challenge, and that Japan had made the only possible answer to this "ultimatum" by hitting us at Pearl Harbor.

For the sake of restoring some perspective to this fantastic picture, let us recall the circumstances and the character of the Hull note which has prompted all this talk about an "ultimatum": Diplomatic conversations were held in Washington with emissaries of the Japanese Government in November, 1941, with a view to considering the critical problems which had arisen between that Government and our own. What was the situation at that time? Japan had just invaded Indo-China. Great Japanese armies had been landed there. Great Japanese naval forces had assembled in Cam Ranh Bay. They were obviously on their way either to the Philippines or Singapore. Other great Japanese armies were still ravaging and pillaging China, to the maintenance of whose territorial integrity the United States had pledged itself by solemn treaty.¹⁴ Still other great Japanese armies were massed on Russia's eastern frontier. German armies had driven deep into Russia from the west. At this moment they stood at the very gates of Moscow. And Japan had just concluded, with Germany and Italy, an offensive-and-defensive military alliance which made her a full-fledged member of the Axis triumvirate that had as its

¹⁴ The United States never pledged itself by treaty to the maintenance of the

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clear goal the destruction of British and American power and the conquest of the world.

What was the proposal made by the Japanese emissaries in Washington, at this critical juncture, as a means of improving the relations between Japan and the United States?

In a note addressed to our Government on Nov. 20, the Japanese offered to change none of the policies which were threatening the peace of the Orient and the security of the United States. Instead, they proposed that the United States agree forth with to supply Japan with as much oil as she wanted. And they demanded simultaneously that the United States cease giving any aid to China.¹⁵

This was the note to which Secretary Hull sent his now famous reply of Nov. 26. In it he did what any self-respecting American would have done. He refused to be bullied into the abject humiliation of his country and the complete betrayal of its ally, China. He told the Japanese that they could not have their oil and that we would not turn quitters on our promises to China. But he did not slam the door on further discussions. He did not threaten the Japanese with war. He did not threaten them with anything save the further loss of American respect and friendship if they persisted in the barefaced aggression on which they had embarked. And, as a means of keeping alive at least some hope of a peaceful settlement, he offered the Japanese a program which contained a restatement of principles which had long been basic in this country's foreign policies, with the request that "further effort be made to resolve our divergences of views in regard to the practical application of these fundamental principles."

Was this an "ultimatum"? It was an "ultimatum" if it is an "ultimatum" for a man with a pistol at his head to say no when a thug demands his pocketbook.

Adverse opinions respecting the Army and Navy reports were also expressed by Mrs. Eleanor Roosevelt, long an expositor and defender of the President's policies and measures. In her column, headed "Futile Criticism," published in the *New York World-Telegram*, September 1, 1945, Mrs. Roosevelt said:

Hyde Park, Friday—I have just been reading the Army and Navy reports on Pearl Harbor, as well as the innumerable newspaper comments. It all seems to me rather futile. Perhaps the simplest thing for us all to do would be to say that, in varying degrees, every one of us has been to blame. Our joint feelings, beliefs and actions had an effect on some of those in places of authority, and the division of blame is an extremely difficult thing to assess.

How often, for instance, was Congress asked for more appropriations to fortify Wake and Guam? Do we blame Congress for not listening to these requests? They were deaf because they did not think their constituents would consider

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Are we going to censure Gen. Marshall today even if he didn't send explicit enough directions to Gen. Short in Pearl Harbor in 1941, and forget the magnificent record which he has made during the past four years? Are we going to take away the credit for the achievements of Gen. Gerow and Adm. Stark even if they did fall short in some specific way in the Pearl Harbor situation? If we had been clamoring for preparedness as a nation, we would not have allowed certain writers and papers and radio speakers to hurl the epithet of "warmonger" at the many people who warned us in the years before Pearl Harbor that war might be coming. Secretary Stimson's diary shows that President Roosevelt warned the Japanese might attack on a certain day. Yet that wasn't the first warning he had given that we should prepare for war—and some of you may remember what

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Is Secretary Hull, after his of patient, wise leadership, now to be censured because he decided the time had come to certain diplomatic steps as regards Japan? He was exercising his best judgment, and it would be well if we remembered how easy it is to be wise when you look back after events have occurred and how extremely difficult it sometimes is to gauge what those events will be.

It is very human to do little straight thinking about our own shortcomings. We want to accuse and punish our good loyal public servants who have worked themselves to the point

and some of them even to death. Instead of marveling at the few mistakes they made, we harp upon those mistakes and give scant praise for all the years where they worked successfully and well. Yet we do not turn on our real enemies—the propagandists, writers and speakers who kept us unaware of danger, who tried to divide us and weaken us, and who are in our midst today, untouched and as dangerous to our peace efforts as they were to our war efforts.

Recriminations will not bring back our dead. Instead of recriminations, it would be safer and wiser if we determined in the future never again to be a flabby and ill-prepared people.

Whatever the appearances of the situation created by the release of the Pearl Harbor documents and President Truman's statements relative to them, as viewed from editorial sanctums, the realities presented grave difficulties to Democratic managers in the National Capital, especially in Congress. A more than impressionistic sketch of the situation was presented in an editorial of the *Washington Post*, reprinted in the *New York Times* of August 31, 1945. The *Post*, though Republican, had faithfully supported the conduct of foreign affairs by President Roosevelt and yet was moved to speak critically respecting the administration of affairs in 1941:

The report shows the real villain was the bureaucratic mind. The picture presented is a veritable masterpiece of snafu. The Navy knew a Japanese task force was at Jaluit, but General Short was not informed. More fantastic was the War Department habit of keeping vital information from Short. . . . Notwithstanding the confusion, Short's inadequacies, General Marshall's aberrations and Secretary Hull's intransigence, it is certain almost classical fatality pervades the whole story.

In the tumult of clashing opinions raised by the Army and Navy boards' reports, many disputants seemed obsessed by attention to the personalities involved in the Pearl Harbor catastrophe. Among these personalities, of course, President Roosevelt and Secretary Hull were central figures; and, in final analysis, President Roosevelt was the major figure. The

dent had been Chief Executive and Commander in Chief of the armed forces; while Mr. Hull had been, under the law, merely his agent in the conduct of affairs leading up to the catastrophe and all it signified. If there was one thing that faithful Democrats and original advocates of involvement in the global war could not bear at all, it was flat statements, even insinuations, from Republican or any other quarters, that the President had dissembled in the conduct of affairs which led to war, after making solemn pledges in 1940 that "the country is not going to war," or that either by incompetence or by deliberate resolve he had involved the United States in the war. Doubtless, John W. McCormack, the majority leader in the House of Representatives, had expressed the sentiment of all the faithful when he told Representative Church on the floor during the debates in September, 1944, that a reference to President Roosevelt's probable responsibilities "is contemptible ... I think the gentleman should be ashamed of him self." 16

In this obsession with personalities on both sides of the party line, newspaper commentators on the Report of the Army Board paid little or no attention to a few pages in that board's document which had an enduring significance for the American people and constitutional government, and transcended mere controversies over the character of President Roosevelt and his associates in the Cabinet. The board said in Chapter II of its Report:

For a long period of time prior to the war the public was reluctant even to consider a war. There was a distinct lack of a war mind in the United States. Isolationist organizations and propaganda groups against war were powerful and vital factors affecting any war action capable of being taken by our responsible leadership. So influential were these campaigns that they raised grave doubts in the minds of such leadership as to whether they would be supported by the people in the necessary actions for our defense by requisite moves against Japan. Public opinion in the early stages had to be allowed to

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preparation for war. There was little war spirit either amongst the general public or in the armed forces, due to this conflicting opinion having its influence. *The events hereinafter recited must be measured against this important psychological factor.*¹¹

After describing the confusion that prevailed in “the Administration, State, War, and Navy Departments” on the eve of Pearl Harbor and the “conference method” of conducting affairs which resulted in mismanagement, the Army board in effect seemed to think that responsibility for this situation be longed to the people of the United States, by declaring: “That was the product of the time and conditions due to the transition from peace to war in a democracy.”¹⁸

In and between its lines the Army Board Report intimated that a kind of inexorable fate due to the muddleheadedness of democracy, at bottom, accounted for the disaster at Pearl Harbor, even though the board ascribed responsibilities to Secretary Hull, General Marshall, and General Gerow, and by association to President Roosevelt. Central to its reasoning, the board placed the inability of the Administration, in such circumstances, to take “the necessary actions for our defense by requisite moves against Japan.”¹⁹ This meant, if it meant anything, that democracy was inimical to unity and strength in conducting foreign affairs and that, owing to the lack of power to wage war without a declaration of war by Congress—to strike Japan by an overt act of war when and where he deemed it most advantageous—President Roosevelt was handicapped in taking “necessary actions for our defense.”²⁰ It is scarcely believable that the three officers on the Army board were so unfamiliar with military and political history as to be unaware of what they were pleading for or, at all events, suggesting in Chapter II of this Report, namely, that, in an age of Power Politics and *Blitzkriege*, democratic processes

17. CJC, Part 39, pp. 28 f. (Italics supplied.)

and constitutional methods of government in relation to war are outmoded. To military history there was nothing new in the proposition that the power to conduct foreign affairs must be supported by the power to strike the enemy first in his weakest spot and at the most advantageous moment, without regard to “democratic processes” or the will or vagaries of any legislative body.

But the idea was doubtless distressing to some Americans who read this chapter of the Army Board Report after it was released in August, 1945. It was indeed particularly disturbing in view of the fact that President Truman himself, after releasing the document, put the blame for Pearl Harbor on the country and on the Congress which had “stifled” President Roosevelt’s programs for preparedness.

Chapter II of the Army Board Report was, of course, grist to the mill of many Republicans and Antiwar Democrats.²¹ For them, it posed pointed questions, for example, who had contributed more to the “lack of war mind,” to the wide spread belief of the American people that the United States should and could keep out of war, than President Roosevelt, by his categorical antiwar promises? When, in 1941, despite his numerous speeches on war dangers, had he declared his peace promises obsolete and informed the country that war was certainly at hand, if not desirable or necessary in the changing circumstances? In intimating that historic practices of conducting foreign affairs and war under the Constitution were archaic and unadapted to the new age of diplomacy and warfare, did the Army War Board represent any considerable opinion in the Administration and the War Department?

The situation created by the release of the Army and Navy

21. Senator Ferguson and Senator Brewster, the minority of the Congressional Committee on Pearl Harbor, took note of the Army board’s contentions respecting “democracy” (CJC, *Report*, p. 564). Representative Keefe, although he signed the majority report, concluded that “secret diplomacy was at the root of

boards' reports and public discussion of their conclusions presented certain features not to be ignored by political leaders. Republicans, as a matter of course, prepared to take full advantage of it. To Democrats who cherished, for numerous reasons, the tradition inherited from President Roosevelt and naturally were eager to avoid shattering it, the state of affairs offered more than one dilemma. The President's Commission on Pearl Harbor had, on January 23, 1942, simplified matters by exculpating the high officials in Washington and laying the primary guilt for Pearl Harbor on General Short and Admiral Kimmel, technicians of the Army and the Navy. Now the technicians of the Army and the Navy themselves, represented in the Army and Navy boards, besides clearing General Short and Admiral Kimmel of the grave sin of dereliction ascribed to them by the President's Commission and by the Administration, had brought into the picture President Roosevelt and his liaison officers in the Army and Navy Departments—General Marshall and Admiral Stark—and had laid blame on Secretary Hull, the President's agent in the conduct of foreign affairs. In other words, the technicians had shifted the major part of the responsibility from the Hawaiian commanders to their political and semipolitical superiors in Washington. So, at least, things seemed to stand after August 29, 1945.

Perhaps inadvertently, President Truman made additional trouble by his statement of August 30, 1945; for he then brought President Roosevelt into the controversy by saying that Congress had regularly blocked his preparedness programs; and he also shifted the blame for Pearl Harbor to the country—almost.²² In transferring a part of the burden of guilt to Congress, President Truman also struck at the loyalty and conduct of the Democratic majority who had controlled both houses since 1933. They could easily point to their record and demonstrate by citations of cold figures that they had voted more money for preparedness between 1933 and

1941 than the President had proposed.²³ Accordingly, Democratic Senators and Representatives had two good reasons for being discontented with “the situation”: The Army and Navy boards had challenged President Roosevelt’s thesis on the coming of war in the Pacific and President Truman had criticized Congress as well as the people.

CHAPTER XII

A Congressional Committee Probes the Records and Reports

IN September, 1945, the question of a new Pearl Harbor inquiry passed from the Executive Department to the Legislative Department. This was in accordance with the necessities of the American constitutional system. Had the President desired to settle the issue himself, he possessed no sole power to say the final word, whatever the members of his Cabinet and other counselors might have urged upon him. The division of governmental authority under the Constitution and the powers vested in Congress by that national charter made such an action on his part impossible.

For the Democrats in Congress, the issue of a new Pearl Harbor inquiry raised many considerations. Having majorities in the House and the Senate, formally they could have ignored it or buried it under silence. But that action, they knew, would result in consequences to be immediately weighed. It would have left standing as the last word, so far, the reports of the Army and Navy boards, which had impeached the Conclusions of President Roosevelt's Commission on Pearl Harbor, the former attributing responsibilities to high members of his civil and military administration, including no less a personage than his Secretary of State, Cordell Hull. Besides, in any case, suppressing the issue could have been only nominal and temporary and, in any event, confined to party councils. Under the explicit terms of the Constitution, inexorably as the earth turned, new congressional elections were bound to come, the first in the very next year, 1946; and if Democratic Representatives and Senators had wanted to keep Pearl Harbor out of the campaign, the two-party system and freedom of the press, both constitutionally beyond their reach, would have returned the question of that which

crats able, had they so desired, to prevent Republicans from calling for a new Pearl Harbor inquiry and to block another, even more tempestuous, debate on the subject than had raged in the House of Representatives in September, 1944.¹ That Republicans in Congress were being urged to act by the party press was evident to anybody who could read the English language. For example, the *New York Herald Tribune*, an unqualified supporter of the war, had in effect called for an inquiry, in a leading editorial in August, 1945. The editorial said that the public would find it "more difficult still to make sense out of [the Army and Navy boards'] reports which, while conveying a vivid impression of over-all confusion, un awareness, and 'buck-passing' in the Army, the Navy, the State Department, and the White House, have nothing to say about the President, hastily suppress an inferential criticism of the Secretary of State, and leave it to be supposed that it was just an accident of fate that we were caught in December, 1941," without adequate preparations—intelligence, military, and naval.

It was then, for practical purposes, in full view of hawk-eyed journalists and through them of the American public, that Democratic leaders in Congress carried on their secret sessions respecting the action to be taken on the issue of the new Pearl Harbor inquiry. They were not a few commissars sitting with a Chief Executive behind the massive barricades of a Kremlin preparing orders for obedient subjects. If the walls of their conference rooms were opaque, they knew full well, as astute Representatives and Senators well schooled in the American system of government and liberty, that every move they made was under nation-wide observation, perhaps under the eye of eternity.

SENATOR BARKLEY, MAJORITY LEADER, CALLS FOR AN
INVESTIGATION

On September 6, 1945, after the prayer had been offered
and

the Republican demand for an inquiry by securing unanimous consent to make a brief statement and introduce a concurrent resolution. By way of introduction, he referred to the various reports that had been made on Pearl Harbor, beginning with that of the President's Commission, headed by Justice Roberts. He emphasized the fact that these documents contained confusing and contradictory statements. He acknowledged that there was widespread suspicion among the American people and members of Congress. Consequently, he said, Congress should make a thorough, fearless, and impartial investigation of the facts, conditions, and circumstances prevailing prior to and at the time of the attack on Pearl Harbor.

Such an inquiry, the Senator declared, "should produce the facts and all the facts, so far as it is humanly possible to produce them. . . . It should be conducted without partisan ship or favoritism toward any responsible official, military, naval, or civilian, high or low, living or dead." With becoming gravity, he warned his colleagues that the inquiry should proceed on a high level of judicial responsibility, not with any design of vindicating or aspersing any person, high or low, living or dead, but solely for the purpose of ascertaining "the cold, unvarnished, indisputable facts so far as they are obtainable." Its purpose, the Senator explained, should be twofold: first, "fixing responsibility, whether that responsibility be upon an individual or a group of individuals, or upon a system under which they operated or cooperated, or failed to do either"; and, second, to ascertain whether, in view of what happened at Pearl Harbor, before or subsequently, anything might be developed that would be useful to Congress in legislating with reference to the armed forces and the executive departments "having control of them, or which are supposed to work with them."

The Joint Resolution to accomplish this twofold purpose, amended slightly after a brief discussion, was

of the Senate pro tempore and the Speaker of the House respectively. Betraying the mark of party management, it further provided that not more than three of the Senators and three of the Representatives from the two chambers should be "members of the majority party." Thus the idea of a committee composed of an equal number of Democrats and Republicans, broached in certain quarters, was by clear intimation rejected in favor of a committee controlled by a majority of Democrats. The Resolution as amended passed the Senate without a dissenting vote and the House quickly concurred.

CRITICS PLEAD FOR NONPARTISAN PROCEDURES

In this column for the *New York Times*, dated Washington, September 6, 1945, and published the next day, Arthur Krock discussed the general situation before the new committee and the country under the heading "Standards for Investigation of Pearl Harbor." Owing to the fact that Mr. Krock cannot be dismissed as an "isolationist" and that he possessed extraordinary knowledge of inside affairs in Washington, certain passages from his report deserve quotation as providing a background for evaluating the spirit of the inquiry and results produced by the methods employed:

A joint committee of Congress is soon to begin an inquiry into the disaster at Pearl Harbor. . . . Since the record of Congressional investigations is spotty with reference to fairness and ability of procedure, concentration on the main point and the exclusion of partisan and personal animosities, the forthcoming inquiry begins under a handicap. But by its procedure and the nature of its report the joint committee can dispel that, and the gravity and importance of the task require it.

Senator Barkley, moving with the approval of the President, laid down an admirable set of standards for the committee in his remarks today. . . .

The principal questions it must determine are these, and, if

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were responsible, directly or indirectly, for the highly successful time element of surprise in the attack; for the general unpreparedness of the base, even if there had been several hours of warning; for the concentration of the fleet in the harbor, the airplanes on the ground and the ammunition under lock and key?

2. Was high policy, or military and administrative incompetence or neglect—or all of them in combination—the chief cause of the poor liaisons among high officials in Washington who were fully informed of the Japanese crisis and the equally poor liaisons between the Washington headquarters of the services and their commanders in the field?

3. Who were the individuals most responsible for these poor liaisons?

4. To what degree was high policy responsible for the military lapses of the commanders in Hawaii at a time which, despite poor liaisons, common report revealed as critical and the verge of war?

5. To what extent were these lapses, and those attributed to Washington authority by the Army and Navy boards, the result of the public's anti-war state of mind?

There are other questions, but they are in the category of sub divisions. If the Congressional inquiry concentrates on the five major points, gets the available testimony efficiently and fairly, and sifts it by the same methods, the answers will be clear, and Pearl Harbor can be relegated to history except for such partisan and personal ammunition as it may supply for a while. But if the committee, or its majority, or even any individual members sets out to protect or defend any individual proved to have been concerned, or obviously connected, then the inquiry will resemble certain others which have damaged the reputation of Congress and confused, hoodwinked or disgusted the public.

The committee if it chooses can take up the issue of why or how the United States got into World War II. Yet to achieve its real purpose it will not need to concern itself over whether the diplomatic negotiations with Japan were well or ill handled in Washington or in Tokyo. . . .

The argument of the previous Administration that the "people" must bear a large share of blame for a military disaster at a scene commanded by professionals has been

and the state of the public mind.” Echoing this, President Truman commented, “I think the country is as much to blame as any individual in this final situation that developed at Pearl Harbor.”

But the committee is instructed to inquire into the particular development. And surely unusual talents will be required to prove that the civilian state of mind prevented Government authorities from keeping one another informed, units of the War Department from keeping others informed and commanders from invoking sound defense measures at an outpost. . . .

On the morning of Pearl Harbor [the public] had read a report of Secretary Knox that the Navy was never more powerful. In the . . . campaign of 1940 it had been assured by both Presidential candidates that each would be more likely to keep the nation out of war. In 1941 it was solemnly told that lend-lease, which actually made war inevitable,² was a move to assure exactly the reverse. And in the fiscal year ending in June, 1941, the public, through Congress, had assigned more than \$20 billions additional to national defense.

The editors of the *New York Times*, on September 8, greeted the establishment of the new committee with moderate satisfaction. They admitted the need for such an inquiry and stated that Senator Barkley had laid down the proper standards for the conduct of the investigation. They declared that politics should be kept out of the inquiry—“Democratic politics” and “Republican politics.” But this would be difficult the editors granted, and they were disturbed by the possibility that unregenerate “isolationists” would inject politics into the inquiry. The *Times* paragraph on political troubles ahead follows:

The problem will be to keep politics out of the inquiry—Democratic politics, Republican politics and the politics of that small but unregenerate group of pre-war isolationists which is still hoping to justify its own past blindness and its own poor advice by using a Pearl Harbor investigation to prove somehow that despite Japan’s aggressive actions on the Continent of Asia and despite Japan’s alliance with Hitler

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enemy and our own men killed and our own ships destroyed, President Roosevelt “plunged the country into war.”

The Congressional inquiry will perform a useful purpose, and carry conviction with the public, to the extent that it sticks to “the cold, unvarnished, indisputable facts” for which Senator Barkley calls.

Under the title: “Pearl Harbor Inquiry: Open, Fearless Investigation Urged to Glean Data of Value for Future,” Hanson Baldwin, specialist in military and naval affairs for the *New York Times*, set forth his views in the edition of Sunday, September 9, 1945. Mr. Baldwin contended that a bipartisan civilian commission should have been appointed, and that politics would not be kept out of the inquiry “unless the caliber of the Congressional Committee is extraordinary.” Appreciating the fact that the management of the armed forces at Pearl Harbor had profound significance for popular government and citizenship, aware that a broad range of events had to be covered, and anxious about the prospects of partisanship, Mr. Baldwin proposed a constructive program of operations:

(1) The committee should consist of an equal number of Democrats and Republicans.

(2) Its members should be chosen for their intellectual and judicial capacity and their ability to discard partisanship.

(3) The date set for reporting the committee’s findings—Jan. 3, 1946—should be postponed, possibly to next March or April; the intervening period is far too short to permit a comprehensive investigation without back-breaking work.

(4) All hearings and all committee meetings should be open to the public. As a start, the full texts of the Army and Navy investigations and the full text of the Roberts Commission report and testimony, with supporting documents (none of them yet published in full), should be released.

(5) The hearings and the testimony should be prepared by competent committee counsel, and these should be selected with great care and should include one or more

(6) The investigation should be unlimited in scope. It must not only consider the attack upon Pearl Harbor and the events that led up to and followed it; it must investigate the whole course of American foreign policy and military policy in the pre-war and initial war period, and it should determine whether or not these policies were mutually supporting. It should also consider the events in the first disastrous Philippine campaign, including the loss of our B-iy's in the surprise attack upon Clark Field, and the friction that developed between Admiral Thomas C. Hart, then commander of the Asiatic Fleet, and General of the Army Douglas MacArthur. The investigation must be without fear or favor.

An investigation of such scope and sincerity is essential—not only in justice to men whose reputations already have been clouded—but because of the importance to the future of the lessons learned. Already some of the lessons of Pearl Harbor are being misread in the light of incomplete and, in some cases, misleading facts. Pearl Harbor can be not only the “date that will live in infamy,” but a sign-post to a better

ORGANIZATION AND MANAGEMENT OF THE COMMITTEE

The Joint Committee on Pearl Harbor as organized consisted of five Senators: three Democrats—Alben Barkley of Kentucky, Walter F. George of Georgia, and Scott W. Lucas of Illinois; and two Republicans—Owen Brewster of Maine and Homer Ferguson of Michigan; and five Representatives: three Democrats—Jere Cooper of Tennessee, J. Bayard Clark of North Carolina, and John W. Murphy of Pennsylvania; and two Republicans—Bertrand W. Gearhart of California and Frank B. Keefe of Wisconsin. Two Democrats were chosen to preside: Senator Barkley as chairman and Representative Cooper as vice chairman. From November 15, 1945, to May 31, 1946, the committee held open hearings on seventy days, took testimony, and collected exhibits of papers and documents. At the end the committee reported that its record encompassed approximately 10,000,000 words. A one-

tee was completed by July 20, 1946, handed to the Senate and House, and released to the press that day. The testimony and supplementary records were published later—in October, 1946.

Although the investigation brought to light a multitude of “cold, unvarnished, indisputable facts” hitherto secret, it left many avenues of inquiry still closed. By a party vote, as a rule, the majority members decided disputed points as to the witnesses to be summoned, access to documents, and procedures. They denied to minority members the right to carry on individual searches in the files and records of the Executive Departments, even if accompanied by one of the committee’s counsel.

The committee heard none of the principal parties to the case, except Secretary Hull. President Roosevelt was dead; his personal papers were in the hands of his former secretary, Miss Grace Tully, and the majority of the committee allowed her to decide which, if any, of those papers were pertinent to the purposes of the investigation. Secretary Knox was dead. Harry Hopkins died shortly after the committee began its work—before he could be called upon to give testimony. Owing to illness, the Secretary of War, Mr. Stimson, was not able to appear and endure the strain of cross-examination; but he prepared a statement for the committee, allowed portions of his *Diary* to be entered in the record, and answered in writing, in his own way, a number of written questions framed by Senator Ferguson. Secretary Hull filed a long statement giving his version of affairs and answered several questions directed to him by counsel; but the hearings at which Mr. Hull appeared were so managed that he was not required to undergo the stress of a cross-examination by any of the minority members. He did, however, answer, in his own way, a number of questions formulated by Senator Ferguson and transmitted to him in writing.

What remains to be done is the investigation of the

American citizens will always have grounds for being grateful to the Democratic majority in Congress and the committee for permitting such an extensive exploration of archives on the political, diplomatic, and military history of the United States. To come down to practical cases, Americans who care at all how the government and foreign affairs of the United States are actually conducted will be thankful for the thousands of pages of documentary materials which the majority of the committee, persistently prodded by the minority, placed on public record. For this service citizens are entirely indebted to the often maligned Congress of the United States. Now they may explore to a considerable extent the realities behind the appearances of 1940-41.

When the committee closed its hearings in May, 1946, it confronted transcripts of testimony, exhibits, and documents astounding in volume and complexity. On the basis of this mountainous mass of evidence it was bound to discharge its duty, as explained by Senator Barkley in his address in the Senate on September 6, 1945.⁴ Even to hurried readers of newspaper reports of the hearings it was plain that the committee, Congress, and the people of the United States had before them new and startling information respecting the conduct of foreign and military affairs by the Roosevelt Administration for months, even years, before December 7, 1941. It was also plain that the official explanation of how war came did not exactly correspond to the facts now brought to light from sources which had been hidden to the American people until the committee had brought them into the open. If dazed by the magnitude of their task, members of the committee knew that the records unearthed and indeed the committee itself, stood before the bar of history; that its decisions, and conclusions would be subjected to the judgment of historical scholarship in years to come, unless forthwith critical scholarship was to disappear in some future cataclysm, moral and political.

From all that had transpired in the committee's closed

ings and in open hearings since they began, it was fairly certain at the end that the Report of the committee would not be unanimous. Taking the language of the Democratic resolution and Senator Barkley's exposition of September 6, 1945,⁵ literally, all the Republican members had insisted that "no person, high or low, living or dead" would be spared from unrestricted scrutiny in the search for "the cold, unvarnished, indisputable facts." Yet the Republicans had struggled in vain for the privilege of seeing President Roosevelt's file of secret papers bearing on the conduct of foreign affairs in respect of war origins, for the right to cross-examine the two great living principals, Secretary Hull and Secretary Stimson, and to secure testimony from certain subordinates in the Foreign Service of the United States who were presumed to know about the policies and decisions of President Roosevelt and Secretary Hull.

The resolve of the Democratic members to block such Republican efforts, generally voiced courteously at the public hearings but sometimes contemptuously, had been patent from the outset. In addition, at the open hearings, clashes had occurred between the Democrats and the Republicans over types of questions to be asked in the examination of witnesses, over Republican insistence on searches for more documents, over the admission and interpretation of evidence. Hence at the close of the hearings, in May, 1946, it seemed likely that there would be a strict party division over the conclusions drawn from the testimony and papers before the committee.

The division that occurred in the committee at the end and the document called the Report of the committee did not conform to such expectations. All Democrats agreed, it is true, on one long document, including a section of Conclusions and Recommendations and Appendices. This document they all signed. One Republican Representative, Mr. Gearhart, signed it, apparently without reservations. The other Republican Representative, Mr. Keefe, also signed it, but with "Additional Views" which amounted, in fact, to a dissenting opinion.

A Congressional Committee Reports

specting most of the fundamental declarations to which the Democratic members and Mr. Gearhart affixed their names. The two Republican Senators, Mr. Ferguson and Mr. Brewster, openly dissented from the majority's statement and filed a separate statement bearing the title of "Minority Views." The documentary outcome of this division of opinion, which in reality amounted to three separate "reports," was entitled: *Report of the Joint Committee on the Investigation of the Pearl Harbor Attack/Congress of the United States/ . . . And Additional Views of Mr. Keefe/Together with Minority Views of Mr.*

THE MAJORITY REPORT

As they prepared to draw up their Conclusions the Democrats on the committee faced a primary problem which had been set for them by Senator Barkley in his statement of September 6, 1945, when he introduced the resolutions creating the committee. They could easily ascribe to Republican partisanship, and hence ignore, the claim that Secretary Stimson had accurately characterized the conduct of affairs immediately prior to Pearl Harbor as the operation of maneuvering the Japanese into the position of firing the first shot "without allowing too much danger to ourselves." They could also dismiss on the same ground the further claim that in the records of the committee were documents which supported this contention and put the ultimate responsibility for the disaster on the Administration in Washington. But they could not, in view of the committee's obligation to clear up confusions in previous reports,⁶ so easily pass over a specific contradiction presented by certain major documents in the record before them—particularly the Roberts Report on Pearl Harbor, on the one side, and the reports of the Army and Navy boards on the other.⁷

In these reports was a contradiction which could not be

6. See Senator Barkley's statement in introducing the resolution for the inquiry, above, p. 328.

resolved or avoided without making trouble for the Democrats on the committee. If General Short and Admiral Kimmel had received adequate orders and information from their Washington superiors and had failed to do their duty under the orders, they were guilty of derelictions of duty as charged by the President's Commission; the complaints filed against them publicly by the Roosevelt Administration in January and February, 1942, were well founded; appropriate members of the Administration were to be completely absolved from responsibility for the catastrophe at Pearl Harbor; and evidence to support court-martial trials for the two commanders was available. If, on the other hand, General Short and Admiral Kimmel were to be exculpated from derelictions of duty, as the Army and Navy boards had recommended, then some official or officials in Washington had failed to discharge their duties properly; some share of responsibility for the catastrophe, yet to be determined, lay on members of the Roosevelt Administration, and the treatment accorded to General Short and Admiral Kimmel was to be characterized as inexcusable, if indeed, not dishonorable.

In these reports also was another irksome contradiction to be resolved by the majority of the committee. That was the contradiction between the Roberts Report, which exculpated by name high authorities in Washington and by implication President Roosevelt, and the Army Pearl Harbor Board Report, which traversed the Roberts Report, recommended no action against General Short and filed complaints against General Marshall, General Gerow, and Secretary Hull, including by implication President Roosevelt. In addition Admiral Kimmel had been cleared by the Navy Court.⁸

With these contradictions, the Democratic members of the committee, fully supported by Mr. Gearhart, Republican Representative, dealt forcefully in their conclusions as to responsibilities. Following the line of the Roberts Report

of the Navy. They ascribed a list of specific failures to General Short and Admiral Kimmel but immediately added: "The errors made by the Hawaiian commands were errors of judgment and not derelictions of duty." 9 Thus the high political officers in Washington and the Hawaiian commanders won a great victory. The majority, in addition, reversed the judgment of the Army Pearl Harbor Board and of the Navy Court of Inquiry in vital respects by putting the blame squarely on the Army and the Navy. Thus the politicians settled their account with the men of arms. The majority's "Conclusions with Respect to Responsibilities" follow:

1. The December 7, 1941, attack on Pearl Harbor was an unprovoked act of aggression by the Empire of Japan. The treacherous attack was planned and launched while Japanese Ambassadors, instructed with characteristic duplicity, were carrying on the pretense of negotiations with the Government of the United States with a view to an amicable settlement of differences in the Pacific.

2. The ultimate responsibility for the attack and its results rests upon Japan, an attack that was well planned and skillfully executed. Contributing to the effectiveness of the attack was a powerful striking force, much more powerful than it had been thought the Japanese were able to employ in a single tactical venture at such a distance and under such circumstances.

3. The diplomatic policies and actions of the United States provided no justifiable provocation whatever for the attack by Japan on this Nation. The Secretary of State fully informed both the War and Navy Departments of diplomatic developments and, in a timely and forceful manner, clearly pointed out to these Departments that relations between the United States and Japan had passed beyond the stage of diplomacy and were in the hands of the military.

4. The Committee has found no evidence to support the charges, made before and during the hearings, that the President, the Secretary of State, the Secretary of War, or the Secretary of the Navy tricked, provoked, incited, cajoled, or coerced Japan into attacking this Nation in order that a declaration of war might be more easily obtained from the

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evidence conclusively points to the fact that they discharged their responsibilities with distinction, ability, and foresight and in keeping with the highest traditions of our fundamental foreign policy.

5. The President, the Secretary of State, and high Government officials made every possible effort, without sacrificing our national honor and endangering our security, to avert war with Japan.

6. The disaster at Pearl Harbor was the failure, with attendant increase in personnel and material losses, of the Army and the Navy to institute measures designed to detect an approaching hostile force, to effect a state of readiness commensurate with the realization that war was at hand, and to employ every facility at their command in repelling the Japanese.

7. Virtually everyone was surprised that Japan struck the Fleet at Pearl Harbor at the time that she did. Yet officers, both in Washington and Hawaii, were fully conscious of the danger from air attack; they realized this form of attack on

8. Specifically, the Hawaiian commands failed—

(a) To discharge their responsibilities in the light of the warnings received from Washington, other information possessed by them, and the principle of command by mutual cooperation.

(b) To integrate and coordinate their facilities for defense and to alert properly the Army and Navy establishments in Hawaii, particularly in the light of the warnings and intelligence available to them during the period November 27 to December 7, 1941.

(c) To effect liaison on a basis designed to acquaint each of them with the operations of the other, which was necessary to their joint security, and to exchange fully all significant intelligence.

(d) To maintain a more effective reconnaissance within the limits of their equipment.

(e) To effect a state of readiness throughout the Army and Navy establishments designed to meet all possible attacks.

(f) To employ the facilities, materiel, and personnel

minimized the effects of the attack, in repelling the Japanese raiders.

(g) To appreciate the significance of intelligence and other information available to them.

9. The errors made by the Hawaiian commands were errors of judgment and not derelictions of duty.

10. The War Plans Division of the War Department failed to discharge its direct responsibility to advise the commanding general he had not properly alerted the Hawaiian Department when the latter, pursuant to instructions, had reported action taken in a message that was not satisfactorily responsive to the original directive.

11. The Intelligence and War Plans Divisions of the War and Navy Departments failed:

(a) To give careful and thoughtful consideration to the intercepted messages from Tokyo to Honolulu of September 24, November 15, and November 20 (the harbor berthing plan and related dispatches) and to raise a question as to their significance. Since they indicated a particular interest in the Pacific Fleet's base this intelligence should have been appreciated and supplied the Hawaiian commanders for their assistance, along with other information available to them, in making their estimate of the situation.

(b) To be properly on the *qui vive* to receive the "one o'clock" intercept and to recognize in the message the fact that some Japanese military action would very possibly occur somewhere at 1 p.m., December 7. If properly appreciated, this intelligence should have suggested a dispatch to all Pacific outpost commanders supplying this information, as General Marshall attempted to do immediately upon seeing it.

12. Notwithstanding the fact that there were officers on twenty-four hour watch, the Committee believes that under all of the evidence the War and Navy Departments were not sufficiently alerted on December 6 and 7, 1941, in view of the imminence of war.

After dealing with failures on the part of the Army and Navy, the majority of the committee presented five recommendations

of "Supervisory, Administrative, and Organizational Deficiencies in Our Military and Naval Establishments Revealed by the Pearl Harbor Investigation." With remarkable skill and comprehensiveness, the majority summarized the hundreds of pages of evidence before the committee and maintained that confusion, neglect of elementary precautions, failures to cooperate, delays in the dissemination of crucial information as to Japanese designs, the use of loose and equivocal language in instructions and orders to subordinates, maladministration, and shocking incompetence (as distinguished from willful derelictions) had accompanied the conduct of affairs along "the chain of command" from authorities in Washington down to Army and Navy subordinates in Hawaii. In their formulation of the twenty-five headings and in the citation of proof, the majority, although they compiled no list of "culprits," high or low, by name, spared neither the War Department nor the Navy Department, nor by implication any high officials responsible for the administration of the two departments.

No one can spend laborious weeks and months studying the recommendations of the majority, the sound principles of military and naval administration prescribed by them, and the volumes of documentation upon which they relied for their facts, without being convinced that the majority had thoroughly mastered the record before them and its meaning with regard to over-all administrative responsibility for the catastrophe. That much appears to be certain—amid all the differences of opinion in the committee over the propriety of the conduct of foreign affairs prior to Pearl Harbor.¹⁰

Such was, indeed, the judgment of the experienced Washington observer and journalist, David Lawrence. In a column written shortly after the Report of the committee came out, he presented the following explanation of the significance and

¹⁰ For an extended treatment of the position taken by the majority of the

upshot of the majority's "Conclusions and Recommendations":

The American people are indebted to the special Senate and House committee which investigated the Pearl Harbor disaster. Despite the impressions which the concluding part of the [majority] report seeks to establish, the headings of the document fix responsibility as plainly as if names had been called.

The [majority] report is ingeniously developed. It states factually what occurred and subdivides each important section with a heading. Future historians cannot fail to read those telltale headings, for each one states an impersonal conclusion out of which only one inference can be made—namely, that the persons who had the responsibility for each task and did not perform it efficiently are being blamed.

Thus, there is language in the conclusion of the report itself, signed by the majority, which absolves certain individuals, but there is no such evasiveness in the headings. Here, for instance, are some of the committee's own headings which subdivide the conclusions and recommendations of the report:

"1. Operational and intelligence work requires centralization of authority and clear-cut allocation of responsibility.

"2. Supervisory officials cannot safely take anything for granted in the alerting of subordinates.

"3. Any doubt as to whether outposts should be given information should always be resolved in favor of supplying the information.

"4. The delegation of authority or the issuance of orders entails the duty of inspection to determine that the official mandate is properly exercised.

"5. The implementation of official orders must be followed with closest supervision.

"6. The maintenance of alertness to responsibility must be insured through repetition.

"7. Complacency and procrastination are out of place where sudden and decisive action is of the essence.

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There should never be any hesitancy in asking for clarification of instructions or in seeking advice on matters that are in doubt.

“io. There is no substitute for imagination and resourcefulness on the part of supervisory and intelligence officials.

“u. Communications must be characterized by clarity, forth

rightness and appropriateness.”

There are in all twenty-five of these headings. Particularly significant are Nos. 17, 23, 24 and 25. Here they are:

“17. An official who neglects to familiarize himself in detail with his organization should forfeit his responsibility.

“23. Superiors must at all times keep their subordinates adequately informed and, conversely, subordinates should keep their superiors informed.

“24. The administrative organization of any establishment must be designed to locate failures and to assess responsibility.

“25. In a well-balanced organization there is close correlation of responsibility and authority.” 11

Having set forth a logical exposition of the majority’s findings, Mr. Lawrence ventured upon some prophecy as to the verdict which historians in coming times will render on the committee’s Pearl Harbor Report, including the majority and minority views:

All that the historian of tomorrow needs to do is find out who, on December 7, 1941, was Chief of Staff of the Army, Chief of Naval Operations, and in command of subordinate positions in the War and Navy departments and who was Commander in Chief of the Army and Navy and then read the main headings of the report on Pearl Harbor. He will find that Republicans and Democrats were unanimous about the headings, but politeness, courtesy and deference caused the omission of the names of the personalities involved, in the case of the majority who signed the report, whereas the minority just named those responsible. It’s really a unanimous report on what happened [in respect of the catastrophe at Pearl Harbor],

Mr. Lawrence’s contention respecting the powers and responsibilities of the President as Chief Executive and as Commander in Chief was of course sound and

dence before the Congressional Committee, especially Secretary Stimson's statement and *Diary*, and by ample precedents in American military history. Undoubtedly President Roosevelt had enjoyed through all the years immediately preceding Pearl Harbor full authority to order unification, under his own direction, in the field of over-all policy-making and to force, also under his own direction, the coordination of the activities and decisions of the Secretary of State, the Secretary of War, and the Secretary of the Navy with the activities and decisions of the Chief of Staff and the Chief of Naval Operations and vice versa. Few if any specialists in the domain of government, administration, and constitutional law knew this better than the majority and minority of the Congressional Committee on Pearl Harbor.

For some reason not yet established beyond argument, Representative Gearhart, a Republican, signed the findings, Conclusions, and Recommendations of the majority. Early in the history of the committee's inquiry, Mr. Gearhart had attacked the methods employed by the majority, charging them with attempting to block many lines of investigation; and he had demonstrated by his questioning of witnesses that he was in complete sympathy with his Republican colleagues in their determination to bring out documents and evidence which the majority were loath to see introduced. It was claimed at the time the Report was made public in July, 1946, that Mr. Gearhart, who represented a close district in the House, had been intimidated by threats of Democratic constituents to defeat him in the November election of 1946 if he joined in any adverse criticism of the great party leader, the late President Roosevelt; but Mr. Gearhart indignantly denied such allegations in public. At all events, his signature appears immediately after the names of the Democrats at the end of the Conclusions and Recommendations.

REPRESENTATIVE KEEFE'S ADDITIONAL VIEWS

had signed the statement agreed to by the Democratic majority, a careful comparison of Mr. Keefe's report with the majority report on the one side and the minority report on the other shows that the jubilation could not have been based on a study of Mr. Keefe's Additional Views. As far as the printed words of the three reports are concerned, it is difficult to see why Senator Barkley and his Democratic colleagues wanted Mr. Keefe to sign their document or why Mr. Keefe did not offer a separate report of his own or sign the minority report, with Additional Views. It is evident from the text of Mr. Keefe's statement that he agreed with certain of the Conclusions and Recommendations framed by the majority, especially those showing that the catastrophe at Pearl Harbor had been largely due to maladministration on the part of high Washington authorities. Indeed, the Republican minority did not dissent with this view of responsibility; on the contrary they upheld it in their report.¹² The minority, however, refused to join the majority in exculpating by name President Roosevelt, Secretary Hull, Secretary Stimson, and Secretary Knox; and they insisted that President Roosevelt, as Chief Executive and as Commander in Chief of the Army and Navy, had possessed full and ample power to cure, between 1933 and 1941, the evils of maladministration which the majority described in their report. Moreover, the minority refused to join the majority in making recommendations to overcome such administrative defects and took the position that such defects could not be cured by legislation. Indeed, the matter of recommendations seems to have been one of the leading points of difference between the majority and the minority; and on this point at least it appears from the text of his Additional Views that Mr. Keefe agreed with the majority.¹³ In fact, at the opening of his statement, Mr. Keefe said that he was "in agreement with most of these conclusions and recommendations," but his Additional Views constitute an

¹² See below, pp. 352 ff.

arraignment of the Roosevelt Administration's management of affairs during the months before December 7, 1941, which is, in many ways, sharper in tone than the "Propositions" filed by the two Republican Senators, Mr. Ferguson and Mr. Brewster. Indeed, in phrasing, Mr. Keefe's statement is even more like an indictment than the essentially historical Conclusions advanced by the minority. At any rate, it was certainly based on an independent, searching, and thoughtful examination of the record before the committee and, in sum and substance, went to the roots of the most of the central issues before the committee.

In the second paragraph of his statement, Mr. Keefe gave "in a general way" his "fundamental objection" to the majority report: "I feel that facts have been marshaled, perhaps unintentionally, with the idea of conferring blame upon Hawaii and minimizing the blame that should properly be assessed at Washington." While thus genially conceding that the directing bias of the Democratic members was "perhaps" unintentional, Mr. Keefe proceeded to file a brief, supported by citations of evidence, which flatly contradicted many prime Conclusions of the majority, without challenging their Recommendations.¹⁴

Mr. Keefe's statement drew a picture of the Pearl Harbor "Fortress" and the materiel allotted to Commanders Short and Kimmel, which made "preparedness" there look farcical—as if the statesmen and war planners in Washington had been foolish as well as negligent.

Mr. Keefe listed vital Japanese messages, intercepted, decoded, and translated by Army and Navy Intelligence, which gave President Roosevelt and his War Cabinet definite infor-

14. Conceivably the majority had not read Mr. Keefe's report when they accepted his signature, which *ipso facto* gave them an appearance of another supporter from the Republican side; for all of his statement, except a fairly pleasant introductory paragraph, is published as an insert in the committee's Report between pages 266

mation days before December 7, 1941, to the effect that a Japanese attack on the United States was immediately imminent—information withheld from the Hawaiian commanders.

Mr. Keefe's brief scored General Marshall for several crucial errors; for example, for failure to put General Short on a definite war alert and for failing to respond to General Short's report on November 27, 1941, that he had alerted his forces for sabotage only. Passages were quoted from the testimony before the committee showing that General Marshall, after much parrying, admitted that a "tragic mistake had been made" in this respect and acknowledged his "responsibility" for not setting General Short right with an order for a full war alert.

The Additional Views contained passages from the evidence before the committee to the effect that President Roosevelt had secretly authorized more than one warlike move in the Pacific before the Japanese attack came on December 7, 1941.

Employing documentation from records of the committee, Mr. Keefe condemned the methods employed by the Roberts Commission. He declared that it by-passed the secret Japanese war warnings known to President Roosevelt and his War Cabinet; that it "nearly buried" the truth about Pearl Harbor; and that it provided incomplete evidence for its "indictment" of the Hawaiian commanders.

Having paid his critical respects to the Report of the Roberts Commission and to President Roosevelt as parties to the case, Mr. Keefe, on the basis of indisputable evidence in the Congressional Committee's records, described the secret negotiations in Washington, directed by President Roosevelt personally, through which Secretary Stimson, Secretary Knox, Attorney General Biddle, and "military officials" managed the retirement of General Short and Admiral Kimmel, and shaped the accompanying publicity for the press in such a way as to place them before the American people as condemned men "solely responsible" for Pearl Harbor 19

Not yet finished with the War Department and the Navy Department, Mr. Keefe, again well within the limits of evidence, showed that Secretary Stimson and Secretary Forrester in 1944 had striven to keep General Short and Admiral Kimmel under a pall of guilt after the Army and Navy boards had cleared them of derelictions of duty. In this regard, Mr. Keefe accused those departments of affecting adversely "the morale and integrity of the armed services."

Turning sharply on the Democratic majority, with whom he had nominally associated himself by signing their statement, Mr. Keefe reminded them that "we have been denied much vital information," listed some of it, and told them that the mistakes of judgment on the part of General Short and Admiral Kimmel mentioned in their Conclusions were directly related to the failures in Washington. Taking account of charges, repeated by President Truman after making public the Army and Navy boards' reports in August, 1945, that the American people and Congress were to blame for what happened at Pearl Harbor, Mr. Keefe denied the charge and cited facts and figures in support of his denial.

Near the close of his statement, Mr. Keefe dealt with what he evidently regarded as the supreme issue before the committee, and concluded that "secret diplomacy was at the root of the tragedy." The majority had asserted, in their Conclusion 6, that the President, the Secretary of State, the Secretary of War, and the Secretary of the Navy "discharged their responsibilities with distinction, ability, and foresight, and in keeping with the highest traditions of our fundamental foreign policy." Without mentioning this passage, Mr. Keefe declared that President Roosevelt had made numerous warlike commitments prior to Pearl Harbor and that Secretary Stimson had described the Administration's tactics "succinctly" when he recorded in his *Diary* that the question considered by the President and members of the War Cabinet shortly before Pearl Harbor was how to maneuver the Japanese into firing the first shot without allowing too much danger to ourselves.

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moving to war so that they may check its advance if imprudent and support its position if sound. . . . To prevent any future Pearl Harbor more tragic and damaging than that of December 7, 1941, there must be constant close coordination between American public opinion and American diplomacy.”

THE MINORITY REPORT

Two members of the committee, Senator Ferguson and Senator Brewster, Republicans, declared themselves unable to concur with the findings and conclusions of the majority's report because “they are illogical, and unsupported by the preponderance of the evidence before the committee. The conclusions of the diplomatic aspects are based upon incomplete evidence.” Accordingly they filed a separate statement, or, report, “setting forth the conclusions which we believe are properly sustained by evidence before the Committee.”

While the majority had been at great pains to indicate that the foreign policy as well as the methods pursued by President Roosevelt and Secretary Hull in the conduct of foreign affairs had been entirely correct and proper, the minority said that the question of the wisdom of the course followed by the Government of the United States in respect of diplomacy “is excluded by the terms of the Committee's instructions.” They took as binding on them Senator Barkley's exposition of the first purpose of the investigation, in the Senate on September 6, 1945, as that of “fixing responsibility” for the Pearl Harbor disaster upon “an individual, or a group of individuals, or a system.” With this purpose as their guide Senator Ferguson and Senator Brewster devoted their attention to this basic problem before the committee.

“Of necessity,” the minority report reasoned, “as used in relation to the obligation of this committee, responsibility means responsibility for failure on the part of individual officers or groups of officers or civilian officials to do their full official duty” in preparing for

business before the committee, the word meant duty according to the Constitution, laws, and established administrative practices under which all officials and officers were bound to operate before and on the day of the Japanese attack.

After dwelling on the adverse rulings of the majority which estopped the members of the committee from getting at highly important documents and on the "incompleteness of the record," the minority turned to the main issue before the committee, as they had described it. They asked questions which they treated as going to the substance of the committee's obligations. Did the high authorities in Washington secure, before 10 o'clock a.m. (E.S.T.) December 7, 1941, information respecting Japanese designs and intentions of such a nature as to convince them beyond all reasonable doubt that war with Japan was immediately imminent? If so, did these high authorities give the Hawaiian commanders clear and definite orders to be fully alert for defense against the attack? Was Hawaii adequately equipped for defense against the attack? Did the Hawaiian commanders take appropriate measures required by their orders from Washington, their official duties, the information in their possession and the resources at hand to cope with the attack?

The minority of the committee, in providing their answers to these questions, summed up their case in the form of twenty-one Conclusions, which were first given seriatim and then repeated item by item, each accompanied by citations of supporting evidence. Their "Conclusions of Fact and Responsibility," which mainly take the form of historical statements, follow:

1. The course of diplomatic negotiations with Japan during the months preceding December 7, 1941, indicated a growing tension with Japan and after November 26 the immediate imminence of war.

2. By November 7, 1941, President Roosevelt and his Cabinet had reached the unanimous conclusion that war

East).” They then took under consideration “what the tactics would be” (Tr., Vol. 70, p. 14415). Unless Japan yielded to diplomatic representations on the part of the United States, there were three choices on tactics before the President and the Cabinet; they could wait until Japan attacked; they could strike without a declaration of war by Congress; or the President could lay the issue of peace or war before Congress (Tr., Vol. 70, p. 14415 fl.).

3. So imminent was war on November 25, that the President in a conference with Secretary Hull, Secretary Knox, Secretary Stimson, General Marshall, and Admiral Stark, “brought up the event that we were likely to be attacked perhaps (as soon as) next Monday” (December 1); and the members of the conference discussed the question “How we should maneuver them (the Japanese) into the position of firing the first shot without allowing too much danger to ourselves” (Tr., Vol. 70, p. 14418).

4. Having considered without agreeing upon the proposition that a message on the war situation should be sent to Congress, the President and the Secretary of State, the Secretary of War, and the Secretary of the Navy, pursued from November 25 to December 7 the tactics of waiting for the firing of “the first shot” by the Japanese.

5. The appropriate high authorities in Washington had the organization for working in such close cooperation during the days immediately prior to the Japanese attack on December 7 that they had every opportunity to make sure that identical and precise instructions warranted by the imminence of war went to the Hawaiian commanders.

6. Through the Army and Navy Intelligence Services extensive information was secured respecting Japanese war plans and designs, by intercepted and decoded Japanese secret messages, which indicated the growing danger of war and increasingly after November 26 the imminence of a Japanese attack.

7. Army and Navy information which indicated growing imminence of war was delivered to the highest authorities in charge of national preparedness for meeting an attack, among others, the President, the Secretaries of State, War, and Navy, and the Chief of Staff and the Chief of Naval Operations.

nese Government would make a surprise attack on the United States.

9. Neither the diplomatic negotiations nor the intercepts and other information respecting Japanese designs and operations in the hands of the United States authorities warranted those authorities in excluding from defense measures or from orders to the Hawaiian commanders the probability of an attack on Hawaii. On the contrary, there is evidence to the effect that such an attack was, in terms of strategy, necessary from the Japanese point of view and in fact highly probable, and that President Roosevelt was taking the probability into account—before December 7.

10. The knowledge of Japanese designs and intentions in the hands of the President and the Secretary of State led them to the conclusion at least 10 days before December 7 that an attack by Japan within a few days was so highly probable as to constitute a certainty and, having reached this conclusion, the President, as Commander in Chief of the Army and Navy, was under obligation to instruct the Secretary of War and the Secretary of the Navy to make sure that the outpost commanders put their armed forces on an all-out alert for war.

11. The decision of the President, in view of the Constitution, to await the Japanese attack rather than ask for a declaration of war by Congress increased the responsibility of high authorities in Washington to use the utmost care in putting the commanders at Pearl Harbor on a full alert for defensive actions before the Japanese attack on December 7, 1941.

12. Inasmuch as the knowledge respecting Japanese designs and operations which was in the possession of high authorities in Washington differed in nature and volume from that in the possession of the Pearl Harbor commanders it was especially incumbent upon the former to formulate instructions to the latter in language not open to misinterpretation as to the obligations imposed on the commanders by the instructions.

13. The messages sent to General Short and Admiral Kimmel by high authorities in Washington during November were couched in such conflicting and imprecise language that they failed to convey to the commanders definite information on the state of diplomatic relations with Japan and on

an all-out alert. In this regard the said high authorities failed to discharge their full duty.

14. High authorities in Washington failed in giving proper weight to the evidence before them respecting Japanese designs and operations which indicated that an attack on Pearl Harbor was highly probable and they failed also to emphasize this probability in messages to the Hawaiian commanders.

15. The failure of Washington authorities to act promptly and consistently in translating intercepts, evaluating information, and sending appropriate instructions to the Hawaiian commanders was in considerable measure due to delays, mismanagement, non cooperation, unpreparedness, confusion, and negligence on the part of officers in Washington.

16. The President of the United States was responsible for the failure to enforce continuous, efficient, and appropriate cooperation among the Secretary of War, the Secretary of the Navy, the Chief of Staff, and the Chief of Naval Operations, in evaluating information and dispatching clear and positive orders to the Hawaiian commanders as events indicated the growing imminence of war; for the Constitution and laws of the United States vested in the President full power, as Chief Executive and Commander in Chief, to compel such cooperation and vested this power in him alone with a view to establishing his responsibility to the people of the United States.

17. High authorities in Washington failed to allocate to the Hawaiian commanders the material which the latter often declared to be necessary to defense and often requested, and no requirements of defense or war in the Atlantic did or could excuse these authorities for their failures in this respect.

18. Whatever errors of judgment the commanders at Hawaii committed and whatever mismanagement they displayed in preparing for a Japanese attack, attention to chain of responsibility in the civil and military administration requires taking note of the fact that they were designated for their posts by high authorities in Washington—all of whom were under obligation to have a care for competence in the selection of subordinates for particular positions of

spread intelligence information, direction of affairs and constitutional duty to plan the defense of the United States; (2) responsibility cast upon the commanders in the field in charge of a major naval base and the fleet essential to the defense of the territory of the United States to do those things appropriate to the defense of the fleet and outpost. Washington authorities failed in (1); and the commanding officers at Hawaii failed in (2).

20. In the final instance of crucial significance for alerting American outpost commanders, on Saturday night, December 6, and Sunday morning, December 7, the President of the United States failed to take that quick and instant executive action which was required by the occasion and by the responsibility for watchfulness and guardianship rightly associated in law and practice with his high office from the establishment of the Republic to our own times.

21. The contention coming from so high an authority as President Truman on August 30, 1945, that the "country is as much to blame as any individual in this final situation that developed in Pearl Harbor," cannot be sustained because the American people had no intimation whatever of the policies and operations that were being undertaken.

In the first group of Conclusions, the minority dealt with a leading issue relative to the over-all question of responsibility for Pearl Harbor: Were high officials in Washington (President Roosevelt, Secretary Hull, Secretary Stimson, and Secretary Knox) so lacking in knowledge of Japanese war intentions that they were truly surprised by the Japanese attack and could properly be excused for sending no unequivocal orders to the Hawaiian commanders, General Short and Admiral Kimmel putting them on full war-alert for defense against an immediate attack? In other words, did President Roosevelt correctly describe the situation in his war message of December 8, 1941, when he stated that the United States was at peace with Japan on December 7, 1941, and was conducting negotiations with the Japanese Government looking toward the maintenance of peace in the Pacific, and that the Japanese note of December 7, 1941, "contained no threat or hint of war or armed attack"? Or did these high

secret information of Japanese designs and actually believe that war with Japan was imminent? The minority cited, from the testimony and documents before the committee, evidence bearing on this over-all question. Of the minority's factual citations, the following are illustrative:

On October 8, 1940, President Roosevelt said to
Admiral

J. O. Richardson, then in charge of the fleet at the Hawaiian base, that "sooner or later they [the Japanese] would make a mistake and we would enter the war." At the Atlantic Conference in August, 1941, President Roosevelt expressed the belief that, by adopting the course there agreed upon with Prime Minister Churchill, further moves of aggression on the part of the Japanese "which might result in war could be held off for at least thirty days." "So imminent was war on November 25," the minority said, quoting from Secretary Stimson's *Diary*, "that the President, in a conference with Secretary Hull, Secretary Knox, Secretary Stimson, General Marshall and Admiral Stark 'brought up the event that we were likely to be attacked perhaps (as soon as) next Monday [December 1]'; and members of the conference then discussed the question, 'How we should maneuver them [the Japanese] into the position of firing the first shot without allowing too much danger to ourselves.' " Through intercepts of messages passing between the Japanese Government and its agents in various parts of the world, President Roosevelt and his high officials had in their possession before December 7 secret information with regard to Japanese intentions which showed them that war was only days or even hours ahead; and about ten o'clock, December 6, in the evening before the Japanese attack, President Roosevelt declared to Harry Hopkins, in the presence of the officer who brought him the first thirteen parts of the intercepted Japanese message to be

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fore Pearl Harbor, knew that war was at hand—
immediately at hand.

Did President Roosevelt and his high officials know that the attack was to be on Pearl Harbor, as they were engaged in maneuvering the Japanese into firing the first shot? The minority could not cite direct evidence to that effect. But they argued that every rule of sound sea war strategy should have warned the President and his officials that the Japanese would not dare to move far southward toward the East Indies, while leaving the powerful American fleet poised at Hawaii to strike them on their left flank and life lines.¹⁶ Moreover, in pursuing this argument, the minority cited intercepts of Japanese secret messages which demonstrated that Japanese agents in Hawaii had been sending to Tokyo precise information on the disposition of American ships and other armed forces in the Hawaiian area—intercepts which indicated that the Japanese Government knew more about the state of American preparedness at Pearl Harbor on December 6 than President Roosevelt and his officials in Washington knew. Hence, the minority reasoned, if Washington authorities did not adequately prepare for an attack on Pearl Harbor they were lacking in the discernment and prudence to be expected of men occupying such responsible posts of trust in the Government of the United States.

Possessing voluminous knowledge of Japanese war designs and intentions and expecting war daily and finally hourly, did the high authorities in Washington definitely put the Hawaiian commanders on an all-out alert for war? In Conclusion 13, the minority, still citing evidence from the records before the committee to support it, stated: “The messages sent to General Short and Admiral Kimmel by high authorities in Washington during November were couched in such conflicting and imprecise language that they failed to convey to the commanders definite information on the state of diplomatic relations

signs and positive orders respecting the particular actions to be taken [at Pearl Harbor]—orders that were beyond all reasonable doubts as to the need for an all-out alert. In this respect the said high authorities failed to discharge their full duty.” Furthermore, the minority maintained, there was no excuse for the failure of General Marshall and Admiral Stark themselves to be on the alert early Sunday morning, December 7, and to reach General Short and Admiral Kimmel by the swiftest possible means with a final warning message, based on the latest information and designed to put the commanders on special guard against an immediate attack.

What about the allocation to General Short and Admiral Kimmel of the war materiel which they had more than once demanded from the War Department and the Navy Department as necessary for reconnaissance and defense? The minority dwelt at length on the evidence as to deficiencies in the allotments of materiel to the commanders and concluded: “The fatal error of Washington authorities in this matter was to undertake a world campaign and world responsibilities without first making provision for the security of the United States, which was their prime constitutional obligation.”

The minority heartily agreed with the statements of the majority to the effect that proceedings in Washington as well as in Hawaii prior to Pearl Harbor were marked by confusion, conflicts, lack of cooperation, and general mismanagement.¹⁷ They went further, however, and dealt with the responsibility for that state of affairs as having a necessary relation to the lack of alertness and preparedness on the part of the Hawaiian commanders. Who had the legal power, and hence the duty, to correct such maladministration in Washington and Hawaii prior to the Japanese attack? The minority turned to the Constitution and laws of the United States for their answer; they pointed out that the Constitution vested the Executive power in the President of the United States and that acts of Congress empowered the President to issue orders directly

also directly to the Chief of Staff and the Chief of Naval Operations.

The minority called attention to additional facts. Under the Constitution, President Roosevelt was Commander in Chief of the armed forces of the United States. Secretary Hull, Secretary Stimson, and Secretary Knox were President Roosevelt's own appointees, subject to his orders. President Roosevelt had appointed, with the consent of the Senate, the Chief of Staff and the Chief of Naval Operations, General Marshall and Admiral Stark. He had assigned General Short and Admiral Kimmel to their posts of duty in Hawaii. "The President of the United States," the minority held, "was responsible for the failure to enforce continuous, efficient, and appropriate cooperation" among his high officials, "in evaluating information and dispatching clear and positive orders to the Hawaiian commanders as events indicated the growing imminence of war. . . ."

Besides placing on President Roosevelt the responsibility for the mismanagement that contributed so materially to the disaster at Hawaii, the minority made the President personally responsible for the failure to take the quick and instant action for alerting the Hawaiian commanders in the final hours before Pearl Harbor. They referred to testimony about his statement on Saturday evening, on receipt of the intercepted thirteen parts of the Japanese message to be handed to Secretary Hull the next day, as proof of his knowledge that "this means war." They cited information about Japanese designs that came to him on Sunday morning at least two hours before the Japanese attack. Thus forewarned, they claimed, it was then the President's bounden duty to put his own war Administration in Washington on war alert and, through his agents in that Administration, also to put all the American outpost commanders on full war alert. Owing to the fact that General Marshall and Admiral Stark could remember nothing about their actions on the evening

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to do in the way of alerting outpost commanders; but they cited evidence to show that he did not force the immediate dispatch of new messages to the outpost commanders in the final hours before the Japanese attack.

Having presented this line of historical statements and inferences, with citations from the committee's record, the minority declared: "We find the evidence supports the following final and ultimate conclusion:

The failure of Pearl Harbor to be fully alerted and prepared for defense rested upon the proper discharge of two sets of *inter dependent* responsibilities: (1) the responsibilities of high authorities in Washington; and (2) the responsibilities of the commanders in the field in charge of the fleet and of the naval base. (See Conclusion No. 19.)

The evidence clearly shows that these two areas of responsibilities were inseparably essential to each other in the defense of Hawaii. The commanders in the field could not have prepared or been ready successfully to meet hostile attack at Hawaii without indispensable information, materiel, trained manpower and clear orders from Washington. Washington could not be certain that Hawaii was in readiness without the alert and active cooperation of the commanders on the spot.

The failure to perform the responsibilities indispensably essential to the defense of Pearl Harbor rests upon the following civil and military authorities:

FRANKLIN D. ROOSEVELT—President of the United States and Commander in Chief of the Army and Navy.

HENRY L. STIMSON—Secretary of War.

FRANK KNOX—Secretary of the Navy.

GEORGE C. MARSHALL—General, Chief of Staff of the Army.

HAROLD R. STARK—Admiral, Chief of Naval Operations.

LEONARD T. GEROW—Major General, Assistant Chief of Staff of War Plans Division.

The failure to perform the responsibilities in Hawaii rests

**HUSBAND E. KIMMEL—Rear Admiral, Commander
in
Chief of the Pacific Fleet.**

Both in Washington and in Hawaii there were numerous and serious failures of men in the lower civil and military echelons to perform their duties and discharge their responsibilities. These are too numerous to be treated in detail and individually named.

Secretary of State, CORDELL HULL, who was at the center of Japanese-American negotiations bears a grave responsibility for the diplomatic conditions leading up to the eventuality of Pearl Harbor but he had no duties as a relevant link in the military chain of responsibility stemming from the Commander in Chief to the commanders at Hawaii for the defense at Pearl Harbor. For this reason and because the diplomatic phase was not completely explored we offer no conclusions in his case.

In respect of most Conclusions presented by the minority, there was no conflict with the Additional Views of Representative Keefe, whose name was appended to the majority's Conclusions and Recommendations. That Senator Ferguson and Senator Brewster had some or all of Mr. Keefe's document before them as they wrote their report is suggested by the fact that inserted in their statement (p. 571) is a whole paragraph from Mr. Keefe's Additional Views, without quotation marks. What then were the grounds of disagreement between Mr. Keefe and the minority? In the absence of inside information, only conjectures are possible but an examination of the texts

**DIFFERENCES WITHIN THE COMMITTEE OVER THE CHARGES
AGAINST THE HAWAIIAN COMMANDERS**

Among the Conclusions reached by Senator Barkley and his colleagues of the majority was this summation: "the errors made by the Hawaiian commands were errors of judgment and not derelictions of duty." This was certainly among the Conclusions of the majority to which Mr. Keefe subscribed; and it must have been a

President Roosevelt's Administration. President Roosevelt had appointed the members of the Roberts Commission which charged General Short and Admiral Kimmel with derelictions of duty and errors which were, they said, the "effective causes" of the disaster; he had accepted the Roberts Report; and he had been the director of the arrangements which forced General Short and Admiral Kimmel into retirement, accompanied by carefully formulated publicity, as culprits awaiting trial by court-martial—perhaps.¹⁸ Furthermore Justice Roberts, at a committee hearing in 1946, admitted that he had been uninformed about vital matters, when his report was prepared; he treated his own ignorance with an unbecoming levity; and he was forced by Senator Brewster to concede that the Roberts Report was incorrect with regard to a crucial point.

Senator Brewster and Senator Ferguson knew these things for they had taken an active part in the hearings at which the facts were developed. Mr. Keefe knew about them and he evidently looked upon the actions of President Roosevelt and his high officials associated with him in the public indictment of General Short and Admiral Kimmel as nothing less than shameful.¹⁰

Nevertheless, although they criticized the Roberts Report and put an over-all responsibility on President Roosevelt, the Republican minority report left General Short and Admiral Kimmel under the stigma put upon them by the Roberts Report and the subsequent action of President Roosevelt. After placing primary responsibility for Pearl Harbor upon the President and his high officials, the minority flatly declared that "the commanders in the field were left with sufficient responsibility which they were under obligation to discharge as field commanders of the major outpost in the Pacific defense of the United States. There is adequate and sufficient evidence to show that they failed to discharge that responsibility."

eral Short and Admiral Kimmel had *sufficient responsibility as commanders of the Hawaiian outpost*—apparently to be prepared for and to beat off the Japanese attack. If not that, then what responsibility? Having made this assertion and listed failures on the part of the two commanders, the minority treated the failures in Washington as providing “extenuating circumstances” for the failures of the two commanders in Hawaii. Thus after distinctly emphasizing the failures of General Short and Admiral Kimmel, the minority characterized the failures of Washington as if merely diminishing or at tenuating the responsibilities of the commanders in Hawaii. With regard to the primary point at issue in respect of responsibility for the success attained by the Japanese attack at Pearl Harbor, therefore, the Report of the Congressional Committee, considered as a whole, presented a sharp contradiction.

Were General Short and Admiral Kimmel guilty of derelictions of duty and were their errors “the effective causes” of the catastrophe which befell American forces on December 7, 1941? The majority, composed of the six Democrats and two Republicans, Representative Gearhart and Representative Keefe, specifically agreed that the errors of the two commanders *were not derelictions of duty*.

Thus they repudiated the charge of the President’s Commission on Pearl Harbor and passed over any contradiction that appeared between such a clearing of the commanders and the complete vindication of their highest superiors in Washington by name. On the other hand, the minority not only let stand unchanged the grave charges filed against the two commanders by the President’s Commission and the Administration in January and February, 1942, but they contended that the two commanders “nevertheless” had “sufficient responsibility”—presumably “sufficient” to some end, namely, to be fully alert and meet the Japanese attacks successfully; in which case there might have been no catastrophe to American arms for the

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mistreatment accorded to General Short and Admiral Kimmel and the anguish of spirit they suffered under the indictment that had been lodged against them by the Roberts Commission and the Roosevelt Administration in January and February, 1942,²⁰ the minority passed over this subject without pronouncing judgment. As far as the conclusions of Senator Ferguson and Senator Brewster are concerned, General Short and Admiral Kimmel are still guilty of derelictions of duty and errors which were called by the President's Commission "the effective causes" of the disaster at Pearl Harbor.²¹ On the other hand, by the verdict of the Democratic majority, supported by the two Republican Representatives, the two commanders were cleared of the grave charges which had kept them standing before the country for years as culprits awaiting actions by courts-martial.

WAS THE JAPANESE ATTACK A SURPRISE TO THE HIGH
AUTHORITIES IN WASHINGTON? ²²

At a meeting of his War Cabinet at noon, November 25, 1941, President Roosevelt "brought up the event that we were likely to be attacked perhaps (as soon as) next Monday [December 1], for the Japanese are notorious for making an attack without warning." ²³ Was the Japanese attack on the

20. See below, Chap. XIII, pp. 383 ff.

21. Persons unacquainted with history and the meaning of "dereliction of duty" and other terms employed in the Roberts Report and Executive statements respecting the "guilt" of the commanders may be inclined to regard the above discussion as quibbling over words, but others interested in efforts to get the truth of the business will note with advantage that the Judge Advocate General of the War Department, learned in the law of the case, on January 27, 1941, informed the Chief of Staff, for the benefit of Secretary Stimson, that "the offenses charged against General Short are offenses of omission or nonfeasance which require a much stronger showing to justify a trial than those involving misfeasance or malfeasance." Testimony, Part 7, p. 3145. The Judge Advocate General thought that General Short had been finished off on account of "the lack of confidence which the public now has in him" (as a result of the kind of publicity given to his case by the Roosevelt Administration), and he warned the Administration against promising trial by court-martial in General Short's case. See below, Chap. XIII. President Roosevelt's secretary, Stephen Early, in giving out the Roberts Report had indicated that the charge of dereliction of duty warranted trial by court-martial. See above, p. 221.

United States Sunday, December 7, 1941, a surprise to these high authorities in Washington? Or to state the question in another way, did these authorities have substantial grounds for expecting that the Japanese would attack the United States (including Pearl Harbor), on or about Sunday, December 7? This question in some form was regarded as crucial to the determination of responsibility for the Pearl Harbor disaster by the men in charge of the various inquiries into that subject. For instance, the Roberts Commission touched upon it in its Report to the President, January 23, 1942; the Army Pearl Harbor Board probed for an answer to it; and the Congressional Committee on Pearl Harbor gave extended consideration to it. Hundreds of pages of testimony and documents bear directly upon this issue of the expectations of Washington authorities as to the time and place of the Japanese attack which they believed to be imminent.

After a review of evidence bearing on expectations of and preparations to meet a Japanese air attack at Hawaii, the Army Pearl Harbor Board stated:

In view of the foregoing, the estimate of the situation showed that an all-out attack by air was the judgment of the best military and naval minds in Hawaii. Under established military doctrine, that called for preparation for this worst eventuality.²⁴ . . . We must therefore conclude that the responsible authorities, the Secretary of the Navy and the Chief of Staff in Washington, down to the Generals and Admirals in Hawaii, *all expected an air attack before Pearl Harbor* [the board's italics]. As a general statement, when testifying after the Pearl Harbor attack, they did not expect it. Apparently the only person who was not surprised was the Secretary of War, Mr. Stimson, who testified: "Well, I was not surprised." ²⁵

The Congressional Committee on Pearl Harbor, in command of the materials provided by previous inquiries, went into the problem of expectations in Washington with regard

to the Japanese attack, in general and in particular, on Pearl Harbor about one o'clock, December 7, 1941 (Washington time); and it added hundreds of pages of testimony and documents to the already voluminous record relative to the subject. The Democratic majority of the committee reviewed this evidence and set forth their Conclusions in their report, which was signed by the Republican Representatives, Mr. Gearhart and Mr. Keefe—the latter with Additional Views.

In dealing with the question of expectations as to the time of the Japanese attack, the majority laid stress on the so-called "one o'clock" Japanese message which specified the time for the delivery of the Japanese reply to Secretary Hull's memorandum of November 26. This message was intercepted by a Navy monitoring station at 4.37 a.m., December 7; it was available in the Navy Department about 7 a.m.; it was sent to the War Department for translation because there was no translator on duty in the Navy Department at the time; copies of the translation were at the Navy Department about 9 a.m.; a copy came into the hands of General Marshall some time between 11.15 and 11.30 when he arrived at his office late, owing to a delay in finding him. The message from Tokyo instructed the Japanese Ambassador in Washington to deliver the reply to the United States "at 1:00 p.m. on the 7th, your time."

Respecting the delivery of this one o'clock message to other

Washington authorities, the majority said:

Captain Kramer testified that upon his return to the Navy Department at 10:20 a.m. he found the "one o'clock" message and thereafter, between 10:30 and 10:35 delivered it to the office of the Chief of Naval Operations, where a meeting was in progress. Delivery was then made within approximately 10 minutes to an aide to Secretary Hull at the State Department and thereafter within roughly another 10 minutes, to a Presidential aide at the White House. In the course of

*mention was made that the time indicated an attack at Pearl Harbor [majority's italics].*²⁰

Speaking of another message intercepted about the same time as the one o'clock message, namely, instructions ordering the Japanese Embassy in Washington to destroy its remaining code machine, the majority of the Congressional Committee said that the code message added little to what was already known. On the other hand, with regard to the one o'clock message, the majority stated: "We believe, however, that the 'one o'clock' intercept should have been recognized [in Washington] as indicating the distinct possibility that some Japanese military action would occur somewhere at 1 p.m., December 7, Washington time. If properly appreciated, this intercept should have suggested a dispatch to all Pacific outpost commanders supplying this information, as General Marshall attempted to do immediately upon seeing it." ²⁷

The majority further stated: "He [General Marshall] testified that he and the officers present in his office were certain the hour fixed in the 'one o'clock' message had 'some definite significance'; that 'something was going to happen at 1 o'clock'; that 'when they specified a day, that of course had significance, but not comparable to an hour'; and, again, that it was 'a new item of information of a peculiar character.' " ²⁸ In other words, in the opinion of the majority, the one o'clock message (which, but for inexcusable delays in the Navy and War Departments, should have been available to all the responsible high authorities in Washington by 8 a.m. on December 7, 1941, and was made available to most of them before 11 a.m.) should have been recognized as indicating the distinct possibility of a Japanese attack on the United States

26. CJC, *Report*, p. 223.

27. *Ibid.*, p. 228.

28. *Ibid.*, pp. 223 f.

gested a new warning dispatch to all Pacific outpost commanders.

With regard to other Japanese messages intercepted which showed that the Japanese spies in Hawaii had reported meticulously to Tokyo on American ship berthing and movements, on military and naval installations and preparations, the majority of the Congressional Committee were positive in their conclusion. They declared:

We are of the opinion, however, that the berthing plan and related dispatches [on American preparedness in Hawaii] should have received careful consideration [in Washington] and created a serious question as to their significance. Since they indicated a particular interest in the Pacific Fleet's base this intelligence should have been appreciated and supplied the commander in chief of the Pacific Fleet and the commanding general of the Hawaiian Department for their assistance, along with other information and intelligence available to them, in making their estimate of the situation.²⁹

In other words, the majority, to this extent, indicted Washington authorities for failure to appreciate in advance the danger of an attack by the Japanese about one o'clock, Sunday, December 7, 1941, on Pearl Harbor, as well as on other American outposts.

Yet the majority also declared: "The evidence reflects that virtually everyone in Washington was surprised Japan struck Pearl Harbor at the time she did. Among the reasons for this conclusion was the apparent Japanese purpose to move toward the south—the Philippines, Thailand, the Kra Peninsula; and the feeling that Hawaii was a near-impregnable fortress that Japan would not incur the dangers of attacking." ³⁰

29. *Ibid.*, p. 233. For documents relative to American thinking and planning for the defense of Hawaii against a possible Japanese attack before December 7, 1941, and reports of Japanese spies on American preparedness and unpreparedness at Hawaii, see CJC, Part 12, Exhibits 2, 3, Part 13, Exhibits 8, 8-A, 8-B, 8-C, 8-D, Part 14, Exhibits 10, 14, 15, 32, 35, Part 15, Exhibits 44, 55, 56, 57, 59, 60, 63, 64, 69, 84, Part 16, Exhibit 89, Part 17, Exhibits 117, 117-A, 118, 120, 122, Part 18, Exhibits 129, 130, 138, 141, 154.

In his Additional Views, which followed his signature at the bottom of the majority Report, Mr. Keefe said:

It [the majority report] correctly states that both Washington and Hawaii were surprised by the attack upon Pearl Harbor. It is apparently agreed that both Washington and Hawaii expected the initial attack to come in the Asiatic area. . . . Despite the elaborate and labored arguments in the [majority] report and despite the statements of high ranking military and naval officers to the contrary, I must conclude that the intercepted messages received and distributed in Washington on the afternoon and evening of December 6 and the early hours of December 7, pointed to an attack on Pearl Harbor.

This statement Mr. Keefe then followed by citations from these messages and an extended criticism of Admiral Stark and General Marshall for failing to act upon this information promptly and give proper instructions to General Short and Admiral Kimmel in Hawaii.³¹

In their report, the Republican minority, Senator Fergusson and Senator Brewster, took the position that in terms of sea-power strategy an attack on the American Fleet at Pearl Harbor was necessary from the Japanese point of view, was in fact highly probable, and "President Roosevelt was taking the probability into account—before December 7." The minority dealt extensively with the intercepts of Japanese messages relative to espionage in Hawaii and with Japanese secret reports, both meticulous and numerous, on American military and naval installations and preparedness. Respecting opinions in Washington about Pearl Harbor as a point of at-

authorities had again and again been informed about the vulnerability of the Pacific Fleet at Pearl Harbor, the shortage of war materiel there from long-range reconnaissance planes to antiaircraft guns. Whatever the American public knew about the "fortress," Washington authorities had long been warned by Army and Navy men that the "fortress" was not equipped to maintain the continuous long-distance reconnaissance necessary to detect the approach of Japanese carrier-ships and smash the Japanese attack at its inception in the Pacific Ocean. Nor did the majority of the committee give a comprehensive judgment on the evidence as to expectations in Washington *before* December 7, 1941, as distinguished from the "surprise" in Washington *after* the Japanese attack had fallen with such disastrous

tack, the minority said: "None of the Army and Navy witnesses before the committee admitted they had neglected the possibility—or the probability—of a Japanese attack on Pearl Harbor during the period prior to December 7. On the contrary, they testified that they had consistently reckoned with the possibility, even when they minimized the probability. (Tr., for example, Vol. 12, p. 2111, Vol. 13, pp. 2162, 2167, 2172, 2173, Vol. 14, p. 2341.)" 32

The statements of the Democratic majority and the Republican minority in respect of expectations of a Japanese attack on Pearl Harbor deserve special consideration in the light of the evidence furnished by the committee's record.

The majority said: "The evidence reflects that virtually everyone in Washington was surprised Japan struck Pearl Harbor at the time she did."

The minority said: "None of the Army and Navy witnesses before the committee admitted they had neglected the possibility—or the probability—of a Japanese attack on Pearl Harbor during the period prior to December 7. On the contrary they testified that they had consistently reckoned with the possibility, even when they minimized the probability." It is obvious that the majority's statement is vague. "The evidence *reflects that virtually everyone in Washington was surprised. . . .*" (Italics supplied.) The "virtually" allows for exceptions, indeed, indicates that there were exceptions. Secretary Stimson had told the Army Pearl Harbor Board that he was not surprised. Were General Marshall, Admiral Stark, President Roosevelt, Secretary Hull, and Secretary Knox surprised and if so why in view of all the secret information which they had with regard to Japanese war intentions?

The real function of the Congressional Committee was to inquire into responsibility for the American catastrophe and that inquiry involved, not only the commanders in Hawaii, but also their superiors in Washington. It did not involve "virtually everyone in Washington"; and if it did

everyone in Washington thought about the matter before December 7, 1941? 33 Granting the truth of the majority's contention about the opinion of virtually everyone in Washington, which is evasive, uninformative, and irrelevant, and coming down to cases, the evidence bearing on what a few high authorities in Washington actually knew about Japanese war intentions before December 7, 1941, 1 p.m. Washington time was the evidence material to the committee's duty and obligation under the statute creating it; and this evidence, if reviewed by the majority, was not cited by the majority to support the conclusion on "virtually everyone."

In contrast to the allegation of the majority, the statement of the minority was definite and conveyed information that was correct.

The problem of expectations in Washington was embarrassing to Army and Navy officers—and it must be remembered that none of their civilian superiors was subjected to free examination before the Congressional Committee.³⁴ Early in its sessions and during the course of its hearings, the Congressional Committee spread on the public record documents and testimony showing: (1) Army and Navy plans for the defense of Hawaii, including expectations of a Japanese air attack and preparations of some kind to meet it; (2) Exhibit 1, pp. 1-253, selected Japanese secret diplomatic messages and Exhibit 2, secret Japanese messages on American military installations, ship movements, and kindred matters; and (3) miscellaneous papers respecting war designs and plans—Japanese and American. These papers in the hands of the Congressional Committee posed for Army and Navy officers a dilemma.

The papers showed conclusively that Army and Navy of
ficers had, for years prior to December 7, 1941, and especially

33 It is to be noted that the majority's statement on this point applies only to the

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during the preceding months, consistently taken into their calculations the possibility and probability of a Japanese attack in general and specifically on Hawaii. Indeed, if they had not done exactly this, they would have been guilty of a dereliction of duty far more serious than the dereliction charged against General Short and Admiral Kimmel by the President's Commission on Pearl Harbor in 1942.

On the other hand, if the Army and Navy officers had admitted to the Congressional Committee that they had fully expected a Japanese attack and prepared for it, they would have incriminated themselves for failure to furnish to General Short and Admiral Kimmel not only more specific war warning orders for a high-tension alert but also additional information on the known approaching breach in relations with Japan. In fact the Democratic majority, in their report, criticized the Washington officers for failing to inform the Hawaiian commanders about the concentration of Japanese spying on Hawaiian installations and preparedness and about the significance of the fateful one o'clock message, indicating the probability of an attack on the morning of December 7 (Honolulu time).³⁵

In this painful dilemma, Army and Navy officers did just what the Republican minority said they did: "They testified that they had consistently reckoned with the possibility [of a Japanese attack on Pearl Harbor], even when they minimized the probability."

With regard to the Japanese attack in general, high Army and Navy officers were in possession of the Japanese secret messages and other information which indicated the immediate imminence of war. General Marshall and Admiral Stark, as members of the War Cabinet, also knew that their immediate superiors were expecting a Japanese attack for many days before it came. They could not have been surprised when the attack came.⁸⁶

³⁵ *Report of the Committee on the Pearl Harbor Attack*, p. 10.

to the Army and Navy officers who appeared before the
Con
gressional Committee?

Secretary Stimson testified before the Army Pearl Harbor Board that he was not surprised by the Japanese attack — on Pearl Harbor.³⁷

Secretary Hull told Secretary Stimson and Secretary Knox as early as November 27 that relations with Japan were at an end and that the matter was in the hands of the Army and the Navy.³⁸ Secretary Knox received intercepts of secret Japanese messages which revealed to him the war designs of the Japanese Government.³⁹ He was a member of the War Cabinet and present on November 25, 1941, when the problem of maneuvering the Japanese into firing the first shot was discussed.⁴⁰

Indeed according to evidence from his own hand Secretary Knox was not surprised himself. Rather he was surprised that authorities in Washington were surprised. In his secret report to President Roosevelt after his return from a visit to Hawaii in December, 1941, shortly after the Japanese attack, Secretary Knox stated: *“Neither Short nor Kimmel, at the time of the attack, had any knowledge of the plain intimations of some surprise move, made clear in Washington, through the interception of Japanese instructions to Nomura, in which a surprise move of some kind was clearly indicated by the insistence upon the precise time of Nomura’s reply to Hull, at one o’clock on Sunday.”*⁴¹

As this one o’clock message had been made available to all the high authorities in Washington before eleven o’clock on December 7, including President Roosevelt,⁴² Secretary Knox was plainly saying to the President in his report that none of these authorities should have been surprised by the Japanese attack—even on Pearl Harbor. The majority of the Con-

37. See above, p. 365.

38. See above, p. 247.

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gressional Committee said as much and this was also a point on which the minority agreed.⁴³

President Roosevelt, as Chief Executive and Commander in Chief of the Army and Navy, had received intercepted and translated messages showing Japanese war designs and, besides, had hundreds of secret documents in his personal files (not yet, 1947, opened to the public). It was his official duty to scrutinize and master all the information bearing on the possibility and probability of a Japanese attack; for, as Secretary Stimson has cogently said: The President

must constantly watch, study, and estimate where the principal or most dangerous attack is most likely to come, in order that he may most effectively distribute his insufficient forces and munitions to meet it. ... For all these reasons he is compelled to give constant and close attention to the reports from all his intelligence agencies in order that he may satisfactorily solve the innumerable problems which are constantly arising in the performance of the foregoing duties.⁴⁴

President Roosevelt expressed to the members of his War Cabinet, many days before December 7, 1941, his conviction that war with Japan was immediately imminent and he was expecting a Japanese attack upon the United States.⁴⁵ Therefore, President Roosevelt was not surprised by the Japanese attack when it came on December 7.⁴⁶

43. See above, pp. 354 ff.

44. Statement to the Congressional Committee (mimeograph, pp. 32 f.)

45. See below, Chap. XVII, pp. 517 ff. Admiral Stark testified that President Roosevelt told him in the summer of 1944 that "he [the President] was surprised at the attack on Pearl Harbor." As Admiral Stark had recently testified before the Navy Court of Inquiry (in 1944) to the same effect, he found "some comfort" in having the President "reiterate it." CJC, Part 5, p. 2272.

46. For supporting evidence, see Chaps. XIV-XVII. For the declaration of Mrs.

PART III
REALITIES AS DESCRIBED
BY THE PEARL HARBOR
DOCUMENTS

CHAPTER XIII

Engineering the Official Thesis of Guilt

CENTRAL to the official explanation of how war came was the official thesis that the responsibility for the disaster at Pearl Harbor rested upon General Short and Admiral Kimmel, the high officers of the Army and the Navy in charge of defending that outpost in the Pacific against the Japanese.¹ Although both the majority and the minority of the Congressional Committee dealt in their respective reports with that part of the official thesis which put the primary blame for the catastrophe on the Hawaiian commanders, with the exception of Mr. Keefe they treated it gingerly and with circumlocution.² By acquitting General Short and Admiral Kimmel of derelictions of duty, the Democratic members with the support of Representatives Gearhart and Keefe exploded a main point in the Roberts Report. Thereby they conceded that an injustice had been done to the two commanders. They also went so far as to express regret that the General and the Admiral had endured "suffering and mental anguish" as a result of false charges. On their part the Republican minority refrained from admitting even this much. Hence only the fringes of this crucial and delicate matter were touched by the committee in what is called its Report.

The Congressional Committee, however, produced a huge mass of evidence bearing on the operations of the Roberts Committee and the maneuvers of President Roosevelt and other high officials in making use of that indictment to brand the Hawaiian commanders in January and February, 1942, as culprits awaiting trials by court-martial.³ This evidence con-

1. See above, Chap. VIII.

2. Representative Keefe, in his Additional Views, scored the Roberts Report and President Roosevelt's handling of the retirement of the commanders. C.I.C.

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sists of testimony, letters, memoranda, legal opinions, and other documents entered in the permanent record of the committee. An examination of these documents takes the reader behind the appearances of the official operations in December, 1941, and in January and February, 1942, behind the words of the Congressional Committee, to ultimate historical sources which describe realities in the process by which the Roberts Report came into being and was subsequently used by President Roosevelt and his official entourage.

Revelatory information respecting the creation of the President's Commission on Pearl Harbor was put on record at a hearing of the Congressional Committee on January 28, 1946.⁴ This information was contained in letters from Secretary Stimson to President Roosevelt, dated December 16, 1941. According to the first of these letters, President Roosevelt had asked Secretary Knox and Secretary Stimson for their suggestions relative to the selection of members to serve on his "investigating board" for Pearl Harbor. Secretary Stimson proposed Justice Roberts, as "civilian head," and General Frank R. McCoy and General Joseph T. McNarney, as representatives of the War Department. Presumably Secretary Knox also complied with the President's request and proposed the names of men to represent the Navy Department.

This recommendation of a Justice of the Supreme Court to serve as head of a special administrative body created by the President to conduct an inquest, as if he were a kind of chief prosecuting attorney, was an extraordinary action on the part of Secretary Stimson. As a lawyer he knew or should have known that it is a violation of the spirit, if not the letter, of the Constitution for a Justice of that Court to abandon his duties in that tribunal for the purpose of carrying on non judicial activities of an inquisitory, administrative, and political nature at the behest of the President. For Justice Roberts to accept the commission was still more extraordinary. He knew the legal position of his own tribunal⁵ and he knew

that he was chosen, not to hear a case at law arising under the Constitution and laws of the United States, but to engage in a search for derelictions of official duty which in the necessity of things involved politics, even partisanship.

Without waiting for definite information respecting misconduct, if any, on the part of General Short and Admiral Kimmel at Pearl Harbor, Secretary Stimson, in his letters dated December 16, 1941, nine days after Pearl Harbor, informed the President that the department was immediately sending out two officers to relieve General Short and General Martin, the Army Air Commander at Hawaii. Not content with the management of his own department, Secretary Stimson expressed to the President his opinion that "the house cleaning" in his department, "should be synchronized with a similar housecleaning in the Navy Command and all announced at the same time." The action taken by Secretary Stimson for the War Department and the action suggested by him to the President for duplication by the Navy Department were announced to the public. Thus the twofold "house cleaning" was accomplished.⁶

6. The texts of the two letters from Secretary Stimson to President Roosevelt follow:

"Personal and Confidential

"December 16, 1941

"Dear Mr. President: Knox tells me that you would like our suggestions as to the investigating board this morning.

"1. My suggestion for the civilian head is Justice Roberts. No less a man in my opinion should be asked and Roberts, by his action in investigating and prosecuting the Teapot Dome scandal and in deciding the Black Tom case more recently, has an outstanding reputation among our people for getting down to the bottom of a factual situation. I think his appointment would command the confidence of the whole country. I believe Knox agrees with me.

"2. For the War Department representatives I suggest Major General Frank R. McCoy, Retired, and Brigadier General Joseph T. McNarney of the Air Corps.

a. McCoy you know personally. He has the most outstanding record of any man in the Army for such an appointment, requiring as it does breadth of view, superlative character, and wide similar experience. As a member of the Lytton Commission which investigated the Japanese in Manchuria, he won a very high reputation among all nations involved for his balance and tact. It was due to him more than any other member that the report of that Commission was unanimous.

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Secretary Stimson's expectations in suggesting Justice Roberts to head the President's Commission on Pearl Harbor were not disappointed. Charged by the President with the duty of inquiring merely into derelictions and errors of judgment on the part of the Army and Navy personnel, the commission took pains to declare (Conclusions 2-6) that the Secretary of State, the Secretary of War, the Secretary of the Navy, the Chief of Staff of the Army, and the Chief of Naval Operations had fulfilled their obligations in relation to Pearl Harbor—had committed no breaches of duty. The commission also provided a sanction for the twofold "housecleaning" operation in the War and Navy Departments—by designating General Short and Admiral Kimmel as the real offenders at Pearl Harbor.

Three days after the Report of the President's Commission came out, Secretary Stimson wrote to Justice Roberts, whom he had proposed as "civilian head," a letter of appreciation: "This is just a hasty line to tell you what an admirable job I think that you and your colleagues have done in your difficult task of drawing the report on the

derelictions were in air protection. . . . McNarney has a reputation which commands the respect of everybody. As you know, he was Chief of Staff for Chaney in London, was on the recent Staff conferences with the British, went to Moscow, and is familiar with British technique in respect to air defense. Marshall and I think he is the most competent man we have at the present time on air and ground joint requirements.

"Marshall and I united on all the foregoing suggestions after very careful consideration by each of us.

"Most confidentially we are sending to Hawaii two men to relieve Short and Martin, the present Army Commander and Air Commander. Lieutenant General Emmons, our present Air Combat Commander, will relieve Short. Brigadier General Tinker will relieve Martin. They are starting at once and I think nothing should be said about it until they arrive to take command. . . .

"Faithfully yours,

"Henry L. Stimson.

"Secretary of War.

"The President.

"*The White House.*"

"My opinion is that the housecleaning which I describe in the last paragraph should be synchronized with a similar housecleaning in the Navy Command, and all announced at the same time." CJC, Part 7, p. 3260.

“fulfilled” his “obligations” in respect of the affair. In this letter, Secretary Stimson called the commission’s Report “a masterpiece of candid and accurate statement based upon most careful study and analysis of a difficult factual situation.” To Secretary Stimson’s letter of appreciation, Mr. Justice Roberts replied in grateful terms.⁷

On the insistence of Senator Ferguson and Senator Brewster, the Congressional Committee summoned Justice Roberts to a hearing—January 28, 1946. In the course of his testimony, certain findings in the Report of the President’s Commission and the processes by which it had arrived at its Conclusions, bearing on the subject of responsibility, were explored. Thus, the “masterpiece of candid and accurate statement” was subjected to public scrutiny.

For example, an inquiry was made about General Marshall’s final warning message of December 7 to General Short, which reached him after the Japanese attack had ended. Speaking of this message, the President’s Commission had stated in its Report: “*Every effort was made to have the message reach Hawaii in the briefest possible time, but due to conditions beyond the control of anyone concerned the delivery of this urgent message was delayed until after the attack.*” (Italics supplied.) The sentence “every effort was made to have the message reach Hawaii in the briefest possible time” was read to Justice Roberts at the hearing of the Congressional Committee. Justice Roberts was then asked, in effect, by Senator Brewster whether this statement was correct and the Justice conceded that “probably” it was not correct. Evidence brought before the committee established the fact that it was not correct, that there had been inexcusable delay in sending it, and that the immediate responsibility for the delay rested on the War Department and General Marshall.⁸

Another crucial fact established at the examination of Justice Roberts was related to the kind of documents used by the

President's Commission in framing its Report and Conclusions. Among the documents reposing in the files of the War and Navy Departments while the commission was at work were hundreds of secret messages exchanged between the Japanese Government and its agents in Washington and other parts of the world between July 1, and December 8, 1941. The messages had been intercepted by Army and Navy intelligence, decoded, and translated for the information of the President and other high officials. They disclosed detailed information respecting Japanese intentions, designs, and movements prior to the attack on Pearl Harbor.⁹ From these messages the President and high officials in his Administration derived special knowledge in respect of Japanese reactions to its proposals and of Japanese war plans and maneuvers—information which was not transmitted by the War and Navy Departments to the American outpost commanders at Hawaii. In official circles in Washington, at the time, they were called "magic," or "magic messages."

At the hearing of the Congressional Committee, Justice Roberts testified that his commission were "never shown one of the magic messages." He was asked: "Were you ever shown the substance of the magic messages?" He answered: "No, sir."

Under questioning, Justice Roberts disclosed the nature of the information and the mental operations employed by the President's Commission in exculpating Washington officials and drawing up the indictment of General Short and Admiral Kimmel. For instance, the Justice was asked where he got the knowledge on which rested the commission's declaration that Secretary Hull had fulfilled his obligations by keeping the War and Navy Departments fully advised as to the course and probable termination of negotiations with Japan. The Justice answered that he went to see Secretary Hull, that Secretary Hull gave him the information, and that General Marshall and Admiral Stark said that they had received

Did Justice Roberts know that the President, the Secretary of State, the Secretary of War, the Secretary of the Navy, the Chief of Staff, and the Chief of Naval Operations had been furnished with the magic messages? The Justice replied: "I did not know it and I would not have been interested in it." Asked whether the Conclusions of the President's Commission were derived from sources which did not include "the magic," Justice Roberts states: "The magic was not shown to us. I would not have bothered to read it if it had been shown to us." The Justice then went on to say that the messages to the

GENERAL MARSHALL AND ADMIRAL STARK ON THE
TREATMENT OF THE COMMANDERS

The specific subject of General Short's retirement and treatment by the Administration was taken up at an examination of General Marshall by the Congressional Committee, December 13, 1945.¹¹ As a result of questioning by Senator Ferguson, General Marshall presented the following facts. In relation to the "relief" of General Short, General Marshall had been consulted by the Secretary of War. The consultation came after the return of Secretary Knox from his brief visit to Hawaii. Secretary Stimson discussed the matter with General Marshall after Secretary Knox had returned to Washington. General Short was relieved of his command and ordered to report to the United States, presumably to the War Department. Thereafter the question before the War Department was whether General Short should be given another assignment or retired. Referring to the retirement, General Marshall said: "I believe [it] was at his request; I do not recall that." ¹² Had General Marshall been consulted on the question whether General Short be given another assignment?

10. On this, see above, p. 361, and below, pp. 523 ff.

11. CJC, Part 3, pp. 1528 iff.

12. See below, pp. 392 ff. All of General Marshall's testimony before the Congressional Committee should be contrasted with the War Department documents in

General Marshall replied simply: "I do not recall that, sir." The order relieving General Short, dated December 16, 1941, had read, "By direction of the President." Had General Marshall conferred with the President? The General could not recall. What conversation did General Marshall have with Secretary Stimson as to why General Short should be relieved of his command? General Marshall: "I do not recall the conversation." His recollection was that, after his return from Hawaii to Washington, Secretary Knox consulted with Secretary Stimson and they reached a decision to relieve both General Short and Admiral Kimmel. Whether they had a meeting with President Roosevelt, General Marshall did not know.

Senator Ferguson asked General Marshall for the specific reasons on which General Short's removal was based. General Marshall did not recall any specific statement of the reasons; nor did he have any "clear recollection." Was the reason for General Short's removal his "disobedience to the alert order of the 27th [November]"? General Marshall: "I could not say that, sir." 13 It was, General Marshall thought, the general status of affairs in Hawaii as viewed, presumably, by Colonel Knox. Did General Marshall have reason to believe that Colonel Knox brought from Hawaii "the cause of the removal"? "That," replied General Marshall, "is my vague recollection of what occurred." Did General Marshall base the order removing General Short on his own findings or on what somebody else found? The General replied that he based it on the direction of the Secretary of War. Did Secretary Stimson give to General Marshall his reasons for removing General Short? General Marshall: "I do not recall that, sir. I mean he undoubtedly did, and undoubtedly I gave him an opinion. . . ." Did General Marshall recall any of the reasons which Secretary Stimson gave him as grounds for the removal of General Short?

relieving of General Short from his command at Hawaii, not on the retirement of General Short, with accompanying publicity, which came later—in February, 1942. But certain facts had been entered by General Marshall in the record. After his brief trip to Hawaii, Secretary Knox consulted Secretary Stimson, as well as President Roosevelt. General Marshall was thereupon directed by Secretary Stimson to relieve General Short from his command. What were the reasons for relieving General Short? General Marshall could not recall them. The presumption was that there had been some reasons for this quick and summary action against General Short, but General Marshall could not remember them.¹⁵

At an examination of Admiral Stark, on January 5, 1946, Senator Ferguson, by steady questioning, brought out some of the Admiral's recollections respecting the retirement of Admiral Kimmel. The Senator asked whether Admiral Stark was familiar with Admiral Kimmel's retirement. Admiral Stark replied: "Well, I knew that he had retired; yes, sir." With whom had Admiral Stark consulted and conferred in this matter? He had been "directed" by Secretary Knox with regard to the detachment or relief of Admiral Kimmel. Admiral Stark had read the report of Secretary Knox to President Roosevelt on his visit to Hawaii; had he found in the memorandum anything critical that called for Admiral Kimmel's removal? The answer was: "No, sir." When had Secretary Knox first talked with Admiral Stark about the removal or detachment of Admiral Kimmel? Shortly after he had returned from Hawaii and had discussed matters with President Roosevelt, Secretary Knox directed that Admiral Kimmel be relieved of his command, December 16, 1941. Did Admiral Stark receive any information as to the cause of Admiral Kimmel's removal? He was not consulted before hand; he received his orders to act against Admiral Kimmel, and the Commander had been removed with the "permission" or "O.K." of the President.

Did Admiral Stark consult with Admiral Kimmel about his resignation or retirement? Admiral Stark recalled writing something on the subject to Admiral Kimmel. He had discussed the matter from one angle or another; he had remarked to Admiral Kimmel that he was not trying to influence the Commander; he had reported to Admiral Kimmel that General Short had requested retirement, and had suggested to the Admiral that he also might or might not want to parallel General Short's action; and the Admiral had asked to be advised. Did Admiral Stark confer with Secretary Knox on this matter? He had consulted the Secretary, but was not certain [in 1946] whether the suggestion as to retirement came from the Secretary or was his own idea. Did Admiral Kimmel retire "on your suggestion"? Admiral Stark replied that Admiral Kimmel retired "on his own volition.¹⁸ We did not force him at all as I remember it. I never knew of a man to put up a manlier, straighter, finer front than did Admiral Kimmel in this entire picture at that time. His whole bearing was exemplary and what I would have expected of him."

Would Admiral Kimmel have been removed if he had not retired on his own volition? Admiral Stark did not know what action would have been taken in that case. Senator Ferguson asked: "You felt that he would do it on the suggestion?" Admiral Stark replied: "He did it. He did do it, I think, after sizing up all the considerations. . . . Now, if I am mistaken in that he can correct it and I would abide by anything that he stated with regard to it." Had Secretary Knox consulted the President in respect of Admiral Kimmel's retirement? Admiral Stark imagined that such a consultation had taken place.¹⁷

With reference to the relief and retirement of General Short and Admiral Kimmel, the recollections of General Marshall and Admiral Stark, the immediate superiors, were meager in 1945-46. Apparently the Chief of Staff and the Chief of Naval Operations had issued their orders on

tions from above and they could not recall the reasons, if any, which had been officially assigned as grounds for actions against the two commanders. Secretary Knox, after his brief visit to Hawaii, had presented a memorandum on the disaster to President Roosevelt but the memorandum had contained no critical charges carrying proposals for drastic action against the commanders. After a conference with the President, Secretary Knox consulted Secretary Stimson and, "per haps," General Marshall and Admiral Stark; orders had quickly been issued relieving General Short and Admiral Kimmel from their commands. Later, it seemed to be remembered by General Marshall and Admiral Stark that General Short and then Admiral Kimmel had asked to be retired, and their requests had been granted—in due form and with the public announcements which represented the two men as if awaiting disciplinary actions to come—courts-martial in fact.¹⁸

Recognizing as material to this specific line of inquiry, the personal report of Secretary Knox to President Roosevelt, after the Secretary's inspection of the state of things at Pearl Harbor immediately following the Japanese attack, Senator Ferguson had earlier asked Admiral Stark to read the report into the record.¹⁹ The document contained no charges of dereliction of duty on the part of General Short and Admiral Kimmel; nor any hint that they should be relieved, retired, and brought to trial for any negligence, nonfeasance, or dereliction on their part before or on December 7, 1941. The report of Secretary Knox was primarily factual in nature and even noted that neither of the commanders had any knowledge of the plain intimations of a surprise move by the Japanese which had been made known in Washington by interceptions of Japanese secret messages.²⁰ Thus Secretary Knox implied that in some respects Washington had been at fault. The opening passages of the Secretary's report to the President follow:

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The Japanese air attack on the Island of Oahu on December 7th was a complete surprise to both the Army and the Navy. Its initial success, which included almost all the damage done, was due to a lack of a state of readiness against such an air attack, by both branches of the service. This statement was made by me to both General Short and Admiral Kimmel, and both agreed that it was entirely true.

Neither Army or Navy Commandants in Oahu regarded such an attack as at all likely, because of the danger which such a carrier-borne attack would confront in view of the preponderance of the American naval strength in Hawaiian waters. While the likelihood of an attack without warning by Japan was in the minds of both General Short and Admiral Kimmel, both felt certain that such an attack would take place nearer Japan's base of operations, that is, in the Far East. Neither Short nor Kimmel, at the time of the attack, had any knowledge of the plain intimations of some surprise move, made clear in Washington, through the interception of Japanese instructions to Nomura, in which a surprise move of some kind was clearly indicated by the insistence upon the precise time of Nomura's reply to Hull, at one o'clock on Sunday.

A general warning had been sent out from the Navy Department on November 27th, to Admiral Kimmel. General Short told me that a message of warning sent from the War Department on Saturday night at midnight, before the attack, failed to reach him until four or five hours after the attack had been made.

Both the Army and the Navy command at Oahu had prepared careful estimates covering their idea of the most likely and most imminent danger. General Short repeated to me several times that he felt the most imminent danger to the Army was the danger of sabotage, because of the known presence of large numbers of alien Japanese in Honolulu. Acting on this assumption, he took every possible measure to protect against this danger. This included, unfortunately, bunching the planes on the various fields on the Island, close together, so that they might be carefully guarded against possible subversive action by Japanese agents. This condition, known as "Sabotage Alert" had been assumed because sabotage was considered as the most imminent danger

the same lack of dispersal of planes on Navy stations, and although the possibility of sabotage was not given the same prominence in Naval minds, both arms of the service lost most of their planes on the ground in the initial attack by the enemy. There were no Army planes in the air at the time of the attack and no planes were warmed up in readiness to take the air.

The Navy regarded the principal danger from a Japanese stroke without warning was a submarine attack, and consequently made all necessary provisions to cope with such an attack. As a matter of fact, a submarine attack did accompany the air attack and at least two Japanese submarines were sunk and a third one ran ashore and was captured. No losses were incurred by the Fleet from submarine attack. One small two-man submarine penetrated into the harbor, having followed a vessel through the net, but because it broached in the shallow water it was immediately discovered by the *Curtis* and was attacked and destroyed through the efforts of that vessel and those of the destroyer *Monaghan*. This submarine fired her torpedoes which hit a shoal to the west of Ford Island.

The Navy took no specific measures of protection against an air attack, save only that the ships in the harbor were so dispersed as to provide a field of fire covering every approach from the air. The Navy morning patrol was sent out at dawn to the southward, where the Commander-in-Chief had reason to suspect an attack might come. This patrol consisted of ten patrol bombers who made no contacts with enemy craft. At least 90% of Officers and enlisted personnel were aboard ship when the attack came. The condition of readiness aboard ship was described as "Condition Three," which meant that about one half of the personnel had anti-aircraft weapons ready.

**ADMIRAL KIMMEL AND GENERAL SHORT ON THEIR
"r e t i r e m e n t"**

On Ja n u a r y 15, 1946, Admiral Kimmel was at last accorded the public hearing denied to him since January, 1942—before the Congressional Committee on Pearl Harbor.²¹ Under ques tioning from the committee's counsel the Admiral described

the circumstances of his retirement and treatment after December 7, 1941. On December 17, 1941, he was relieved of his command and later ordered to the West Coast, stopping in San Francisco, where he waited "for whatever disposition they wished to make." Shortly after the Roberts Report came out in January, Admiral Kimmel was informed by a circuitous route through the naval establishment that the Acting Secretary of the Navy (in fact, Secretary Knox) had a message to the effect that General Short had submitted a request for retirement.²²

Thereupon Admiral Kimmel, who had hitherto not considered the idea of submitting a request for his retirement, decided that he would not stand in the way of action by the Navy Department; and so he submitted his own request for retirement. A few days later he was assured that the information about General Short's retirement had not been intended to influence him and that he was free to do as he thought best. Subsequently letters about the subject were exchanged by Admiral Stark and Admiral Kimmel which revealed a queer state of affairs in the Navy Department with regard to just what was being done in the case of the Administration vs. Admiral Kimmel.

On January 28, 1942, Admiral Kimmel wrote a second letter to the Navy Department about his retirement. He said that his first letter had been submitted after he had been officially informed by the department that General Short had requested retirement. The Admiral added: "I was officially informed today [January 28, 1942] by the Navy Department that my notification of General Short's request was not intended to influence my decision to submit a similar request. I desire my request for retirement to stand, subject only to determination by the Department as to what course of action will best serve the interests of the country and the good of the service."

About three weeks later, February 22, 1942, Admiral Kim-

mel wrote a letter to Admiral Stark in which he gave several passages from the history of his case:

. . . I submitted my [first] request for retirement because I was notified that Short had done so and took that notification as a suggestion for me to do likewise. I submitted this request solely to permit the department to take whatever action they deemed best for the interests of the country. I did not submit it in order to escape censure or punishment.

When I was notified that the notification in regard to Short was not meant to put pressure on me, I submitted my second letter on the subject.

When the fact that Short and I had submitted requests for retirement was published to the country, I was astounded that the department would put Short and me in such light before the country.

On February 19, I received notification by the Secretary that

I would be placed on the retired list on March 1, 1942. Paragraph

2 of this letter states, "This approval of your request for retirement is without condonation of any offense or prejudice to future disciplinary action."

I do not understand this paragraph unless it is to be published to the country as a promise that I will be disciplined at some future time.

Then Admiral Kimmel made the following statement of his position:

I stand ready at any time to accept the consequences of my acts. I do not wish to embarrass the government in the conduct of the war. I do feel, however, that my crucifixion before the public has about reached the limit. I am in daily receipt of letters from irresponsible people over the country taking me to task and even threatening to kill me. . . .

I feel that the publication of paragraph two of the Secretary's letter of February 16 [19] will further inflame the public and

keenly than any other American citizen. I wish that I had been smarter than I was and able to foresee what happened on December 7. I devoted all my energies to the job and made the dispositions which appeared to me to be called for. I cannot now reproach myself for any lack of effort.

I will not comment on the Report of the Commission, but you probably know what I think of it. . . .

All this I have been willing to accept for the good of the country out of my loyalty to the Nation, and to await the judgment of history when all the factors can be published.

But I do think that in all justice the department should do nothing further to inflame the public against me. 23

When General Short was at last given his day in court before the Congressional Committee, on January 22, 1946, the question of the circumstances of his "retirement" was raised by Senator Brewster. Then occurred a long series of questions and answers, during which many documents were introduced into the record. The report of the testimony and the documents fill many pages. The essential facts brought to light were as follows:

When, on January 25, 1942, he read in the newspapers the findings of the President's Commission on Pearl Harbor that charged him and Admiral Kimmel with grave offenses, General Short was "completely dumbfounded." He immediately telephoned General Marshall and asked whether he should retire. General Marshall replied: "Stand pat but if it becomes necessary I will use this conversation as authority." But after the telephone conversation was ended, General Short thought that it was not quite fair to General Marshall to leave the matter merely in the form of a conversation.

General Short then wrote out a formal application for retirement and enclosed it in a personal letter to General Marshall. In the letter, General Short said that he appreciated General Marshall's advice not to submit a request for retirement at the present time, that he preferred to remain on the active list, and that he submitted his request for retirement to

be used if deemed desirable any time in the future. General Marshall never replied to this letter. Later General Short's retirement was announced to him and the press.²⁴

In connection with the testimony about the retirement of General Short and Admiral Kimmel many documents hitherto secret were read into the record of the Congressional Committee on Pearl Harbor and other documents, also hitherto secret, brought from the files of the War Department and the Navy Department, were included in the Exhibits of the committee.²⁶ Taken collectively the testimony and the official papers in the Exhibits present an authentic account of the way in which General Short and Admiral Kimmel were "retired" and publicized before the country as men under the grave charge of dereliction of duty awaiting trials by courts-martial. In some respects the cases of the two men were handled separately by the War and the Navy Departments but the principal actions in the two cases were carefully "synchronized," to use Secretary Stimson's

SUMMARY OF THE ADMINISTRATION'S OPERATIONS AGAINST
GENERAL SHORT AND ADMIRAL KIMMEL

i. From about December 16, 1941, when the decision was made to relieve the two commanders of their duties in Hawaii, until February 28, 1942, when their retirement under a stigma of guilt was publicly announced, the case was under advisement and consideration by the Administration. The subject was discussed at least once in a meeting of the Cabinet, and during proceedings which lasted from January 13, 1942, until February 28, 1942, the following high officials took part in making the decisions and devising the formulas of public announcement: President Roosevelt, Secretary Stimson, Secretary Knox, General Marshall, Attorney General Biddle, Gen-

24. *Ibid.*, Part 7, pp. 3133 ff., and see above, p. 225, for the public announcement. Previously General Marshall had testified before the Congressional Committee that "The procedure in General Short's case was handled by the Secretary of War." See *ibid.*, Part 7, p. 3135, where this statement is repeated.

cral Cramer (Judge Advocate General), and General J. H. Hildring (Assistant Chief of Staff).

2. January 13, 1942, by telegraphic orders, the War Department instructed General Short to proceed to Oklahoma City “on temporary duty” and, on receipt of further notice, to report to Washington for “further temporary duty”—as if the War Department contemplated giving him a new assignment in the armed services.

3. January 13, 1942, that is, the day the above instructions went out to General Short, Secretary Stimson wrote an office memorandum on the case of General Short: “This is to be held for a few days to await the cooling down of the situation.”

4. January 25, 1942, General Short wrote to General Marshall a covering letter for his application for retirement. He expressed his appreciation of General Marshall’s advice over the telephone to the effect that such an application should not be submitted then. In this letter, General Short, perhaps unfortunately for himself, raised an embarrassing issue for General Marshall: a group of the War Department’s airplanes arrived at Hawaii, with guns cosmolined and without ammunition, in the midst of the Japanese attack.²⁶ Surely the War Department was not expecting a Japanese attack and agreed with General Short that sabotage was the most dangerous thing to be guarded against in Hawaii?

5. January 26, 1942. General Marshall advised Secretary Stimson that General Short’s application for retirement be accepted “quietly without any publicity at the moment.”

6. Secretary Stimson sought the opinion of the Judge Advocate General: whether the acceptance of General Short’s retirement, on the understanding that this action would not preclude later trial by court-martial, would be valid at law.

7. January 27, 1942. The Judge Advocate General warned

could not be predicted with certainty; that the War Department might be accused of "persecuting" if General Short was convicted; or, if he was acquitted, of "whitewashing." After reviewing the applicable law, the Judge Advocate General declared, in effect, that official promises of trial by court-martial would be dubious, if not dangerous, for the Administration.

8. January 31, 1942. The Judge Advocate General responded to a second inquiry from Secretary Stimson: whether a subsequent court-martial could be validly brought if the War Department announced an understanding that the acceptance of General Short's application for retirement would not preclude a future court-martial. The Judge Advocate General answered favorably, as a matter of law, namely, that the retirement at the discretion of the President would not involve passing judgment on the officer's past services or a condonation of prior offenses which would preclude subsequent court-martial; but he advised the Secretary of War to make sure that General Short's retirement be made subject to his prior acceptance of the condition that it did not constitute a condonation of his offenses, "if any," or bar future trial by court-martial, "in case such a trial should be deemed advisable."

9. February 13, 1942. Discussion of the retirement of General Short and Admiral Kimmel at a Cabinet meeting. Later in the day Secretary Stimson wrote to General Marshall that he had taken this matter up with Secretary Knox after the Cabinet meeting, and that, "roughly," the formula devised by President Roosevelt, as reported by Secretary Knox, was as follows: "Provided it is agreed by you [General Short and Admiral Kimmel] that this is no bar to be used legally or otherwise to subsequent court martial proceedings."

10. February 14, 1942. Memorandum from Secretary Stimson to President Roosevelt, stating that he and Secretary Knox had considered the subject since the Cabinet meeting and had agreed to accept the requests of the two

cepted, effective-----, without prejudice to future action in the interest of the Government.” To this memorandum, were added in handwriting two formulas of Secretary Stimson’s own wording: “without condonation of any offense or prejudice to future action on behalf of the Gov’t,” and “with out condonation of any offense or prejudice to any future disciplinary action.”

The formulas, Secretary Stimson said, had been approved “as safe” by the Attorney General by telephone, February 16. Notation at the bottom, “Green copy never on file.”

11. February 14, 1942. Memorandum from General J. H. Hildring, Assistant Chief of Staff to Attorney General Biddle. This document gives the various formulas for the conditions to be imposed on the retirement of the two commanders and states: “The President has requested that you express your judgment as to which of the suggestions offered is preferable, and whether or not the preferable wording serves the legal purpose for which it is intended. ... In view of the fact that the President desires to reach a decision in regard to this matter on Monday morning, the Secretary of War has directed me to request that you make available to him your decision before the end of this week end.”

12. February 14, 1942. Memorandum from Attorney General Biddle to Secretary Stimson. Mr. Biddle found objection to making any reference to “court martial” and also to using the words “without condonation of any offense,” in the formula to be applied to the retirement of the two commanders. Reference to court-martial “would indicate to the officers concerned that such action was definitely planned for a future date, and would move one or both of them to insist that such proceedings be had immediately. Similarly, the reference to an offense may suggest to these officers that we felt that an offense had been committed, and thus might lead them to an insistence that the question of whether or not they were

preferable formula a noncommittal line: "is accepted, effective -----, without prejudice to future action in the interest of the Government."

This memorandum by Attorney General Biddle is especially significant for the inside history of the Administration's proceedings against General Short and Admiral Kimmel. In his opening paragraph Mr. Biddle said that he had read the opinions and other documents that accompanied General Hill-dring's memorandum of that day (see above, No. 11). Hence he had before him a fairly full record of the case up to that day, when he warned the Administration against indicating *that court-martial was definitely planned* for a future date and against giving the commanders an opportunity to demand an immediate hearing. Mr. Biddle also objected to going on public record as saying "that we felt that an offense had been committed." Evidently he was under the impression that the Administration's representatives in the case were not sure, as of February 14, that an offense had actually been committed by either or both of the commanders.

13. February 14, 1942. Letter from Secretary Stimson to Secretary Knox: "Here is my own revised suggestion as to the saving clause to be inserted in the acceptance of the retirement: 'without condonation of any offense or prejudice to any action on behalf of the Government.' " Mr. Stimson went on to say: "*Any reasons we want to give for our action can be said to the press. I am in favor of leaving the acceptance itself in this language if the Attorney General says that it is sufficient to keep open the power to court martial.*" (Italics supplied.)

14. Undated memorandum by General Marshall stating that the revised formula offered by Secretary Stimson had been agreed upon by the Secretary of War, the Secretary of the Navy, and the Attorney General.

15. February 17, 1942. Memorandum by General Hill-dring presenting to the Adjutant General, at the direction of Secretary Stimson, a detailed schedule of the steps to be

in retiring General Short and committing him in advance to the conditions of the formula as at last agreed upon by the Secretary of War, Secretary Knox, and Attorney General Biddle.

16. February 25, 1942. Brief note, which the Congressional Committee on Pearl Harbor called a "blind memo." and reproduced as follows: "February 25, 1942. The President intends to ask for a court-martial on the issue of whether as stated in the report of the Roberts' Commission, there was a dereliction of duty on the part of Admiral Kimmel and General Short: the court to be held as soon as the public interest permits. It is the privilege of the officers themselves to ask for such a court-martial."

17. February 26, 1942. On the morning of this day, the Judge Advocate General personally handed to General Marshall a memorandum giving advice against promising the commanders a court-martial at any specified time and stating that at such a trial "the defense would certainly attempt to pass *part of the blame to the War Department*" thus tending to discredit the department and the men in charge of war operations. The Judge Advocate General also pointed out that no charges had as yet been preferred against the commanders, that certain procedure was necessary to present such charges, that *there was no law authorizing General Short to request a court-martial, and that it was inadvisable for the President to announce in advance of preferring charges a trial of the officers concerned, for it would give them an opportunity to allege that "the President is the accuser" and to charge that the court convened by him "is not an impartial body."* (Italics supplied.)

Such in substance is the intellectual, moral, and legal history of the secret negotiations carried on by President Roosevelt, Secretary Stimson, Secretary Knox, Attorney General Biddle, Judge Advocate General Cramer, and General Marshall, which eventuated in the identical statements respecting the retirement of General Short and Admiral Kimmel, released to the press with

Stimson and Secretary Knox, February 28, 1942.²⁷ The statement was guarded and terse: the applications of the commanders had been accepted, “without condonation of any offense or prejudice to any future disciplinary action.”

The announcement accompanying the statement about each officer contained no promise of trial by court-martial, but informed the public that preparation of charges for trial by court-martial had been ordered on the basis of the Roberts Report “alleging” dereliction of duty.

Protecting themselves against any clamor for an immediate action against the two commanders or any demand on their part for a trial, the two Secretaries made it clear that no trial upon these charges would be held until “such time as the public interest and safety would permit”—a time that might never come, that never came. Moreover they required the commanders to waive their rights to a trial at any given time, as a condition of the settlement.²⁸ It is not surprising, therefore, that the Democratic majority of the Congressional Committee on Pearl Harbor, with the documents pertaining to these negotiations and other testimony in the voluminous record before them, were moved to conclude in their report released to the press and the radio on July 20, 1946, this statement: “The errors made by the Hawaiian commands were errors of judgment and not derelictions of duty”; while declaring at the same time that the President, the Secretary of State, the Secretary of War, and the Secretary of the Navy had “discharged their responsibilities [in respect of Pearl Harbor] with distinction, ability, and foresight and in keeping with the highest traditions of our fundamental foreign policy.” But why had General Short and Admiral Kimmel been kept so long disgraced before the country as a result of the report by the President’s Commission on Pearl Harbor, made public January 24, 1942, and the official statements and announcements between January 24 and February 28, 1942?

27. See above, p. 225.

28. Had the commanders stood fast on demanding an immediate hearing the